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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

1 BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

2 SPECIAL SELECT COMMITTEE ON ~~VOTER FRAUD~~

3
4 SUBJECT: Hearing inquiring into)
irregularities and malconduct in)
5 recent Municipal elections for)
the purpose of purifying the)
6 election process in the City)
and County.)

File No. 370-76

8
9 REPORTER'S TRANSCRIPT OF PROCEEDINGS

10 Hearing of: Tuesday, July 20, 1976

11 9:15 o'clock A.M. Room 228

12 City Hall, San Francisco, California

13
14 APPEARANCES:

15 Members of the Select Committee:

16 JOHN J. BARBAGELATA, Chairman

17 TERRY A. FRANCOIS

18 ALFRED J. NELDER

19 Clerk, Florence White

20 Pacific Legal Foundation:

21 RAYMOND M. MOMBOISSE, Esq., Director

22 DAVID E. TODD

23
24 Reported by:

25 DAVID WORTS



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19	Dr. D. E. Lewis	1616 Washington St.	Omaha	Nebr.	U.S.A.
20	Dr. F. H. Miller	1717 Franklin St.	Omaha	Nebr.	U.S.A.

1 CHAIRMAN BARBAGELATA: The Voter Fraud Committee is
2 now in session.

3 On my left, Supervisor Nelder. On my right, Mr.
4 Raymond Momboisse, Counsel for the Committee. On my far right,
5 Mr. David Todd, Investigator for the Committee.

6 MR. MOMBOISSE: At this time I would like to introduce
7 the Exhibit No. 22, the letter from Mayor Alioto, in which he
8 explains his veto of the appropriation of \$25,000 for the
9 purpose of voter registration.

10 CHAIRMAN BARBAGELATA: Okay. This is No. 22. Do you
11 want that part of the record?

12 MR. MOMBOISSE: Yes.

13 (Whereupon, the document alluded to was marked
14 in evidence as Committee Exhibit No. 22.)

15 MR. MOMBOISSE: At this time could we call Mrs. Sue
16 Bierman, please.

17 MRS. BIERMAN (from the floor): Could I ask to . . .
18 is Mr. -- Supervisor Francois coming at all?

19 MR. MOMBOISSE: He's not here. Certainly. Would you
20 prefer to wait, then?

21 MRS. BIERMAN (from the floor): I would.

22 MR. MOMBOISSE: Fine.

23 Could we call Mr. Gibbs Brown.

24 CHAIRMAN BARBAGELATA: Mr. Momboisse, for the record,
25 we've asked Mr. Crowley now four times, four different meetings.

1 Mr. John Crowley, San Francisco Labor Council. There has been
2 various reasons why he hasn't attended, given why he hasn't
3 attended. (To the Clerk:) Am I correct?

4 THE CLERK: Yes.

5 CHAIRMAN BARBAGELATA: He was subpoenaed for the last
6 meeting?

7 THE CLERK: That Subpoena was never served.

8 CHAIRMAN BARBAGELATA: The Subpoena was never served.
9 Well, he's been invited four times, and four times he hasn't
10 been able to attend.

11 THE CLERK: This last time, I got a letter from him
12 saying he was on vacation.

13 CHAIRMAN BARBAGELATA: Okay.

14 Now, Mr. Brown.

15 (Mr. Jerrold Ladar, Esq., approaches the witness
16 stand.)

17 MR. LADAR: My name is Jerrold Ladar, and I'm an
18 attorney licensed to practice in the State of California, and
19 I represent Mr. Brown.

20 I am going to ask, or place on the record this
21 morning, the fact that Mr. Brown is present pursuant to the
22 Subpoena issued upon him, and upon the orders that have been
23 made in the previous, recessed meeting.

24 However, Mr. Brown will refuse to answer any questions
25 or give any testimony based on the ground, first, that this

1 presently-constituted Committee is minus one member. But, if
2 a member were here, that the Committee's jurisdiction over Mr.
3 Brown is faulty in that the resolution authorizing the inquiry
4 here is in conflict with 44 United States Code. And the
5 Committee is operating in its jurisdictional capacity to obtain
6 information from Mr. Gibbs without the procedural safeguards
7 that are available to him under the Fourth, Fifth, Sixth,
8 Eighth and Fourteenth Amendments of the Constitution to the
9 United States, and the analogous provisions of the State of
10 California's Constitution, that, whereby the resolution is
11 to uncover matters which have to do with criminal acts under
12 both the State and Federal laws, particularly dealing with
13 registration, and particularly dealing with 18 United States
14 Code, Section 4, and, as a result, this Committee is acting
15 as a legal subterfuge, and I do not say that in the sense of
16 any motivation on the part of the Board of Supervisors to
17 circumvent his rights.

18 And therefore, on those bases, he would refuse to
19 answer any questions, whatsoever, because of the lack of
20 jurisdiction over him.

21 MR. MOMBOISSE: Fine. We had hoped that Mr. Brown
22 would clarify certain charges that have been made against him,
23 not of a criminal nature.

24 The testimony that has developed and certain state-
25 ments that are being made at present have been quite derogatory

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1 to Mr. Brown. We are giving him an opportunity to answer those
2 charges. Also, to justify the accusations. We had no concept
3 of any criminal liability arising out of this.

4 MR. LADAR: I understand that. That's why I was
5 careful to say that I did not attribute any motivation as a
6 subterfuge to circumvent his rights on the part of the Board
7 of Supervisors, but rather, that the Committee, in its capacity
8 of doing that, in my legal opinion, after discussion with him,
9 does, in fact, have a potential effect upon certain rights he
10 has.

11 The difficulty is that the particular statutes I
12 mentioned, 18 United States Code, Section 4, makes it a felony
13 for any person who has knowledge of any commission of any
14 offense against the election laws of the United States not
15 to come forward with that information at the time he knows
16 about it. It makes him guilty of a felony.

17 The difficulty here is that, if he clarifies certain
18 terms here, it is at least legally, potentially, that he could
19 be incriminating himself under that Section, because some time
20 has passed since he came into any fact in exculpating his own
21 position. And therefore, as his Counsel, I cannot accede to
22 the jurisdiction of the Committee, because it would have an
23 effect on his rights. It's a very peculiar statute, in the
24 sense that it makes one disgorge what they know under the
25 penalty of criminal sanction.



1 However, based upon my analysis of it, and understand-
2 ing that the Committee at this point merely seeks to allow him
3 to answer charges, it's my advice to him that he should not
4 proceed.

5 MR. MOMBOISSE: (Nods head.) I think we would accept
6 the position. I think that the proper procedure would be for
7 me to call him and ask him questions, and if he claims the
8 privilege at that time . . .

9 MR. LADAR: Yes. You can do that, or I can stipulate,
10 if you wish, that, since we are objecting to the jurisdiction,
11 that, as to each question asked, he would refuse to answer,
12 whichever way you prefer to do it, for the record.

13 MR. MOMBOISSE: All right, fine.

14 I think, for the record, we will call him.

15 Will you stay with him?

16 MR. LADAR: Yes. Oh, yes.

17 (Mr. Gibbs Brown approaches the witness stand.)

18 (Sotto voce discussion between Mr. Brown and
19 his Counsel.)

20 CHAIRMAN BARBAGELATA: (To the Clerk:) Would you
21 swear in the witness?

22 THE CLERK: Okay. I beg your pardon.

23 GIBBS BROWN,

24 appearing as a witness before Board of Supervisors Special Select
25 Committee on Voter Fraud, who, being first duly sworn by the

1 Clerk, testified as follows:

2 EXAMINATION BY MR. MOMBOISSE:

3 BY MR. MOMBOISSE:

4 Q For the record, may we have your full name, please.

5 A Gibbs Walter Brown.

6 Q Were you associated with Frontlash?

7 A I assert the privilege on the advice of Counsel not
8 to answer that question.

9 MR. MOMBOISSE: Very good.

10 MR. LADAR: Excuse me. I think the record should
11 reflect that, since Mr. Gibbs Brown is not a lawyer, or
12 acquainted in the exact words that should be utilized when
13 he says on the advice of Counsel, he asserts the privilege,
14 that the grounds of objection are the jurisdiction of the
15 Committee over Mr. Brown. There is no privilege that he's
16 asserting at this time.

17 MR. MOMBOISSE: And he's also claiming the privilege
18 against self-incrimination.

19 MR. LADAR: No. We are not doing that until the
20 jurisdictional question is settled. And that applies to
21 further proceedings that you may wish or may not wish to take.

22 MR. MOMBOISSE: It was my understanding, from your
23 statement, that he was claiming that there might be incrimination,
24 some of the testimony.

25 MR. LADAR: My explanation is that that is one of the

1 problems I see, because of the Federal (unintelligible) Crime
2 Statute.

3 However, because that exists, my grounds are that the
4 Committee has no jurisdiction to either call him or ask him
5 questions based on a jurisdictional defect, not upon the
6 privilege of self-incrimination at this time.

7 MR. MOMBOISSE: And the jurisdictional defect is
8 what, again?

9 MR. LADAR: I'm sorry. The jurisdictional . . .?

10 MR. MOMBOISSE: I am not familiar with the particular
11 Section you are referring to.

12 MR. LADAR: The jurisdictional defect that I am
13 asserting is that the Committee, by making inquiries pursuant
14 to the resolution of misconduct, is the phrase, I think, used
15 in the motion, and irregularities in registration procedures,
16 is legally acting as a subterfuge to obtain information which
17 would be only obtainable by authorized Grand Juries or other
18 investigative agencies with appropriate procedural safeguards
19 to Mr. Gibbs.

20 Therefore, I object to the jurisdiction of the
21 Committee to proceed against Mr. Gibbs Brown to ask any
22 questions whatsoever, because it may later impinge upon a
23 privilege which he would have, and could properly assert
24 before proper investigative agencies.

25 So, my objection is totally to jurisdiction now.

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1 THE WITNESS: Will it be appropriate language for me
2 to say that, on the advice of Counsel, I decline to answer?

3 MR. MOMBOISSE: I think that is what I understand
4 from the ground rules at this point; and the record will
5 reflect that's the advice that Counsel gave you.

6 Q What position did you hold with Frontlash?

7 A On the advice of Counsel, I decline to answer.

8 Q How long were you employed by Frontlash?

9 A On the advice of Counsel, I decline to answer.

10 Q What compensation did you receive from Frontlash?

11 A On the advice of Counsel, I decline to answer.

12 Q Are you a Deputy Registrar in and for the City of
13 San Francisco?

14 A On the advice of Counsel, I decline to answer.

15 Q Did you train any Deputy Registrars?

16 A On the advice of Counsel, I decline to answer.

17 Q Did you select, and were you involved with any
18 Deputy Registrars?

19 A On the advice of Counsel, I decline to answer.

20 Q How were you compensated for the services from
21 Frontlash?

22 A On the advice of Counsel, I decline to answer.

23 Q Did you assign, ever, positions in the City and
24 County of San Francisco for the Deputy Registrars that were
25 employed under you?

1 A On the advice of Counsel, I decline to answer.

2 Q Did you supervise the Deputy Registrars that were
3 working for you?

4 A On the advice of Counsel, I decline to answer.

5 Q Were you advised by the Registrar's Office of the
6 number of errors that were occurring in the affidavits filed
7 by Deputy Registrars working for you?

8 A On the advice of Counsel, I decline to answer.

9 Q Were you advised that a number of forged affidavits
10 had been filed by Deputy Registrars that worked for Frontlash?

11 A On the advice of Counsel, I decline to answer.

12 Q Were you aware that forged and fraudulent Affidavits
13 of Registration were being filed by Deputy Registrars employed
14 by you?

15 A On the advice of Counsel, I decline to answer.

16 Q Are you presently employed by Frontlash?

17 A On the advice of Counsel, I decline to answer.

18 Q Are you aware of a statement which appeared in
19 The San Francisco Examiner - Chronicle on May the 30th, 1976,
20 which attributes the following statement. I'll read it orally,
21 and quote it.

22 "Gibbs Brown, who headed Front Lash, the
23 AFL-CIO Committee on Political Education voter-
24 registration program, has been fired."

25 Is it true that you were fired?

1 A On the advice of Counsel, I decline to answer.

2 Q "Asked if he had taken action to avoid the
3 type of irregularities Front Lash has been accused
4 of, Crowley said:

5 'Absolutely and very definitely. As a
6 matter of fact, I was appalled when I found out
7 what was going on under the direction of a young
8 man (Brown) in this office. . . and the looseness
9 with which he was moving,' period, end quote.

8 Are you aware of that statement?

9 A On the advice of Counsel, I decline to answer.

10 Q Would you care to make any defense against that charge
11 that was made against you?

12 A On the advice of Counsel, I decline to answer.

13 MR. MOMBOISSE: I don't think I have any further
14 questions.

15 CHAIRMAN BARBAGELATA: Any questions?

16 QUESTIONS BY THE SELECT COMMITTEE:

17 BY SUPERVISOR NELDER:

18 Q What about the hundred and seventy-five missing
19 books. Do you know anything about that?

20 A On the advice of Counsel, I decline to answer.

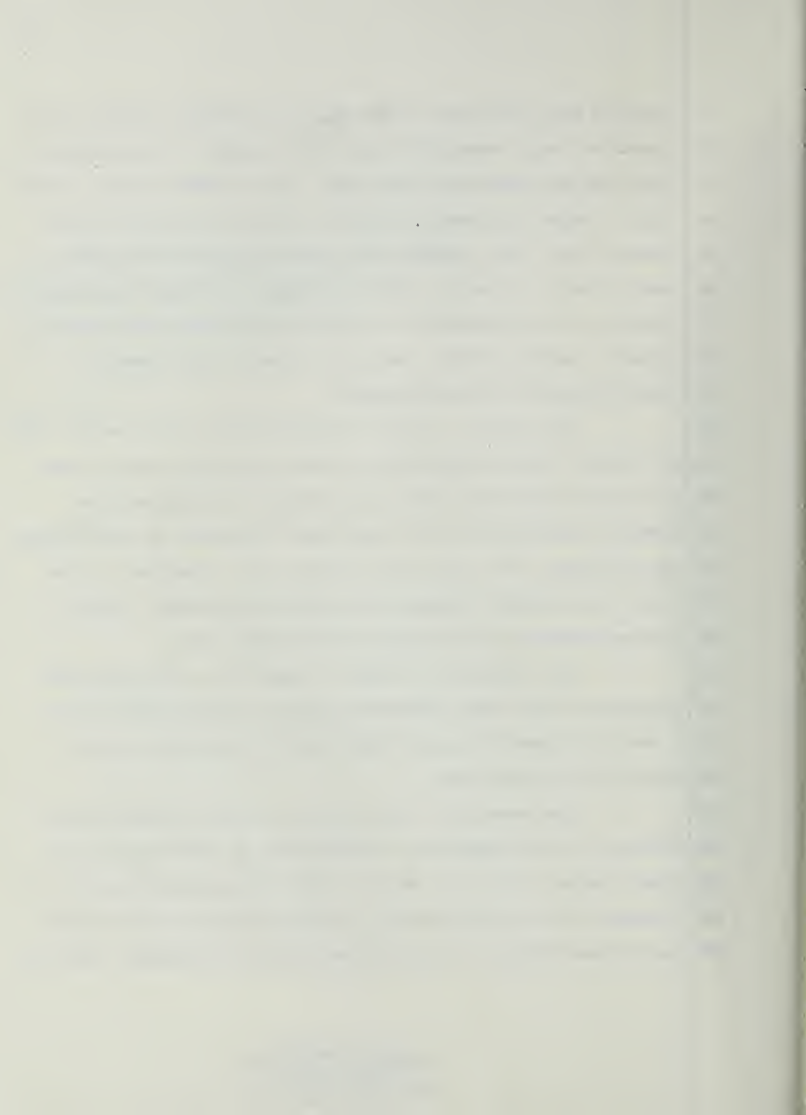
21 Q Well, I just have this to say, Mr. Ladar, that I came
22 in here with a totally open mind. And our goal was to seek
23 information, education, and performance by the Registrars,
24 in an effort to develop some legislation which would tighten
25 up the procedures. And frankly, some of the witnesses have

1 inspired me to feel that maybe there is something really wrong,
2 something really wrong with the whole concept of registration
3 which was performed this past year. And I think, maybe, you're
4 right. Maybe this matter should be before the United States
5 Federal Grand Jury, because the accentuation of criminality
6 wasn't really our goal. But, by refusing to answer questions,
7 such as: "What happened to a hundred and seventy-five missing
8 books," I have to submit, with all respect, that there's
9 really something wrong somewhere.

10 MR. LADAR: I think I should place in the record, for
11 Mr. Gibbs, that the Supervisor is doing precisely what a good
12 politician should do, which is to suggest inferences from
13 someone's objection to the Committee's authority to investigate,
14 as it's quite clear from what's been in the newspapers, that
15 there are probably criminal violations by somebody, ranging
16 from misdemeanors to felonies at all levels along.

17 The objection is that, in terms of a young man who
18 perhaps may have been misused by others, that he still is in
19 a position where his legal rights must be protected, as the
20 Supervisor is well aware.

21 And therefore, the objection to any testimony here,
22 whether it's enlightening, illuminating, or incriminating, is
23 simply because there are ways by which the explanations may be
24 obtained. But, unfortunately, no one has seen fit to grant a
25 Supervisors' Board the protections that are necessary, which is



1 not the fault of the Supervisors.

2 Therefore, with respect to your feeling that you're
3 being obstructed, Supervisor Nelder, it is unfortunate that
4 the only ways in which the proper information could be obtained,
5 and in my judgment, properly protect the client, who may or may
6 not have any liability, is through the kind of processes you
7 mentioned.

8 I do not think there are such investigations going
9 on, and perhaps your remarks might be transmitted to those
10 persons, and under appropriate circumstances, then the informa-
11 tion could eventually get back to the Board of Supervisors.

12 CHAIRMAN BARBAGELATA: Okay. Thank you.

13 Thank you, Mr. Brown.

14 MR. LADAR: Thank you.

15 (Mr. Gibbs Brown and his Counsel leave the
16 witness stand.)

17 MR. MOMBOISSE: Jay Patterson.

18 Why don't we take a short break.

19 CHAIRMAN BARBAGELATA: There will be a recess for a
20 few minutes.

21 (Short recess taken at 9:25.)

22 (During the recess, Supervisor Francois entered
23 the room.)

24 CHAIRMAN BARBAGELATA: The Committee's back in session.
25 Mr. Jay Patterson.

1 JAY PATTERSON,

2 appearing as a witness before Board of Supervisors Special Select
3 Committee on Voter Fraud, who, being first duly sworn by the
4 Clerk, testified as follows:

5 EXAMINATION BY MR. MOMBOISSE:

6 BY MR. MOMBOISSE:

7 Q For the record, may we have your full name, please?

8 A Jay Patterson.

9 Q Are you employed by the City and County of San
10 Francisco?

11 A Yes, I am.

12 Q For how long have you been employed by them?

13 A Approximately four and a half years.

14 Q Would you please tell us what capacity you have been
15 employed in during that period of time.

16 A Oh, I was the Acting Registrar of Voters between
17 January and May, 1976, and right now, I'm the Management
18 Assistant, the Acting Chief Deputy, and the Acting Election
19 Supervisor, all in the Registrar of Voters' Office.

20 Q Now, does the Registrar have County authority to get
21 delegates through special deputy registrations, the power to
22 select, train and deputize other Deputy Registrars?

23 A Yes, I believe the Registrar does have that authority.

24 Q And has such a practice been followed in the City and
25 County of San Francisco?

1 A Yes. It was followed extensively last year. People
2 from community groups were authorized to deputize others to
3 be Deputy Registrars for the purpose of taking registration.

4 Q And who gave such authorization?

5 A The Registrar, at the time. I believe it was Larry
6 Leguennec. It was Larry Leguennec, yes.

7 Q Fine. Had such practice been followed in San Francisco
8 prior to 1975?

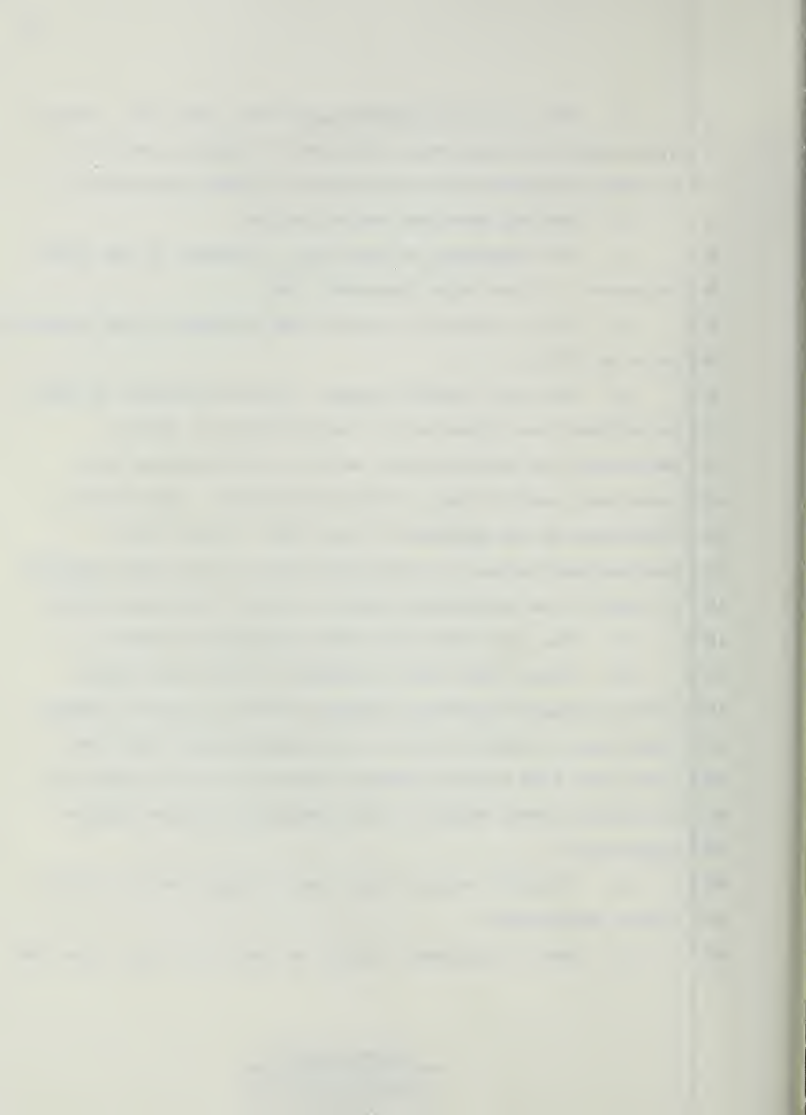
9 A Yes, to a limited extent. We had a program in which
10 we utilized the libraries and the librarians as Deputy
11 Registrars for registrations, and all the librarians were
12 deputized, most of them, by other librarians. And this was
13 authorized by the Registrar at the time. It was later
14 discontinued because the librarians didn't want, were spending
15 all their time registering people, and not filing away books.

16 Q Now, were there any other instances of this?

17 A Yes. There was an instance in which the people
18 from the Spanish-speaking community wanted to instruct Deputy
19 Registrars in Spanish, and so, we cooperated and deputized,
20 authorized five Spanish-speaking deputies, not our employees,
21 to instruct other people in the community to become Deputy
22 Registrars.

23 Q In 1975, did you train any of these special trainer
24 Deputy Registrars?

25 A Yes. I trained a class, at least one class, that had --



1 it was almost all Deputy Registrar trainers. There were about
2 30 in the class, and they were from the Coalition, the League
3 of Women Voters, and the Frontlash organization.

4 Q Okay. How many such classes did you conduct?

5 A Just one that I remember, but there might have been
6 others.

7 Q Do you know if anyone else in the Registrar's Office
8 conducted such training classes in 1975?

9 A Yes, Bud did. I understand. I believe.

10 Q Now, were the voter rolls purged in 1974, 1975?

11 A Yes, they were purged in the end of December or early
12 January 1975.

13 Q Can you tell me how many alleged voters were removed
14 at that time?

15 A Well, over a hundred thousand.

16 Q Now --

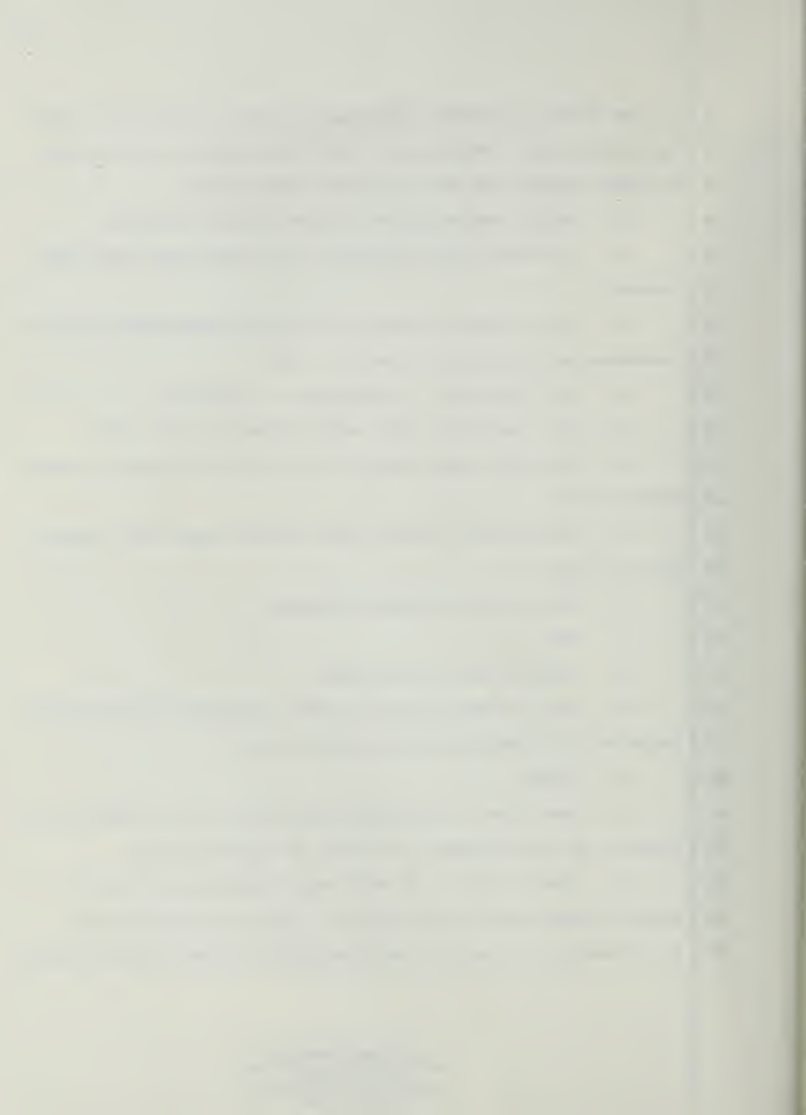
17 A Hundred and ten thousand.

18 Q So, now then, going in 1975, we should have had voter
19 registration lists that were current, and --

20 A Clean.

21 Q Yes. Now, I understand that you mailed sample ballots
22 recently to the Registrar of Voters in San Francisco.

23 A That's right. As with every election, we mail a
24 sample ballot and ballot booklet to every registered voter,
25 and normally, if they are undeliverable, the Post Office throws



1 them away.

2 Q Was there a change in that mailing procedure this
3 year?

4 A Yes. I discovered Section 225 of the Elections
5 Code, which says that, when a sample ballot or other notice
6 of election is mailed to a voter, and it's returned by the
7 Post Office as undeliverable, that the Registrar may, at his
8 discretion, hand out a follow-up notice, requesting that the
9 voter change his address to his present address; and if no
10 response is heard on this inquiry letter, the voter will be
11 canceled if he doesn't respond within 30 days.

12 Q And I think that you deserve credit for unearthing
13 that section and instituting the procedure that was follows.

14 A Thank you.

15 What we did was, we took our regular sample ballot
16 envelope and imprinted return postage guaranteed on this,
17 and then there was some followup work with the Post Office,
18 making sure that we understood that this meant that we wanted
19 them back. (Indicating.) So, they came back, approximately
20 just under 50,000 of them.

21 Q Now, how many of these were mailed?

22 A Three hundred and twenty thousand.

23 Q Fine. Have any of them been returned to you?

24 A These (indicating)?

25 Q The sample ballots.

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1 A Yes, just under 50,000.

2 Q Are they still coming in, or not?

3 A They are still coming in, yes.

4 Q Would you have one of those we could introduce into
5 the record, please?

6 A These are our . . . (indicating).

7 Q Those are the ones that weren't returned?

8 A Yes.

9 Q Do you have any one that has not been mailed, just
10 a blank one that we could use?

11 A I can bring up any blank. I didn't bring up any
12 blank yellow envelopes. I'm sorry.

13 Q Okay. We'll pick that up later.

14 Now, you say approximately 50,000 of these have
15 been returned. Could you tell us what you did in the process
16 of those 50,000 that were returned/

17 A Yes. They came back in huge tubs and sacks, and so
18 forth. It looked like we wouldn't have room to store them all.

19 So, the first thing we did was to sort of clean up
20 this, clean up these, this source of information, by taking
21 out all the ones where people had already changed their
22 address. See, this was created, the mailing list for this
23 was created as of the 54th day before election, and the cutoff
24 date for voting was 30 days before election. So, between the
25 54th and 30th day, about 7,000 people changed their address with

1 A Yes, just under 50,000.

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22 address. See, this was created, the mailing list for this
23 was created as of the 54th day before election, and the cutoff
24 date for voting was 30 days before election. So, between the
25 54th and 30th day, about 7,000 people changed their address with

1 us. And so, about 7,000 of these had already been taken care of.

2 Q (Nods head.)

3 A So, we went through them and pulled those out to save
4 postage, and save the embarrassment of having to send someone
5 a letter saying that, "Why didn't you change your address with
6 us," when, in fact, they did.

7 So, we cleaned up this date, and before we acted upon
8 it.

9 Then, we sent out to each of the ones that didn't
10 change their address with us, these (indicating).

11 Q (Indicating.)

12 A Yes. This envelope containing a letter from the
13 Registrar of Voters, it says, "The sample ballot, which is
14 mailed to you for the primary election of June 8, 1976, was
15 returned to our office by the Post Office as undeliverable,
16 with no forwarding address noted. To ensure that you remain
17 registered and continue to receive sample ballots in future
18 elections, please return the enclosed card to confirm a correct
19 residence address. If the change of address is only temporary,
20 please indicate this on the card."

21 That last is required by the Elections Code.

22 "If the enclosed card is not returned to us within
23 30 days, your registration will be canceled pursuant to law."

24 And it was signed by the Registrar of Voters.

25 Q Okay. There is a Notice of Change of Address by

1 Registered Voters card included within that?

2 A Yes. This is our standard Change of Address card.

3 Q I would like to show you what I have marked as
4 No. 23, and ask if those are the documents that you have just
5 identified.

6 A Those are the documents which I just identified.

7 Q If I could introduce those into the record as No. 23,
8 please.

9 CHAIRMAN BARBAGELATA: For the record, No. 23.

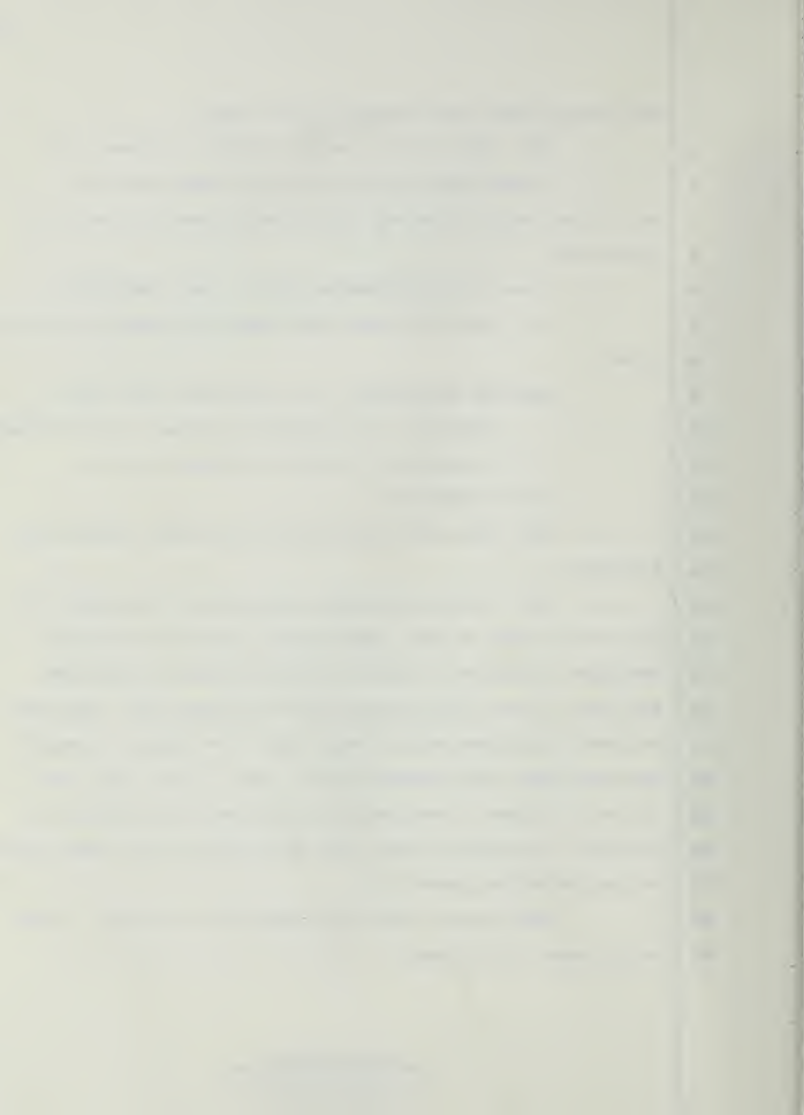
10 (Whereupon, the documents alluded to were marked
11 in evidence as Committee Exhibit No. 23.)

12 BY MR. MOMBOISSE:

13 Q Now, with this follow-up mail, have you received any
14 response?

15 A Yes. We have received a great deal of response. We
16 have gotten back, so far, approximately 16,000 of the grey
17 envelopes containing a letter, and the postcard, which came
18 back just as the yellow sample ballot envelopes did. And that
19 is proof that those people never, don't live there. A lot of
20 them come back with inscriptions on them. I will read a few
21 of them, if I may. When they are delivered to the citizen or
22 resident, it is put on there that that person never lived there,
23 or they moved four years ago.

24 Here's one: "Allen has moved four years ago. Still
25 voting here. It's fraud."



1 "1618 Mission Street is a City-owned building, leased
2 by Department of Social Services."

3 "No one, at all, resides here, let alone a legally
4 registered voter. Hope this envelope helps. C.C. Arville."

5 Let's see. This is the one. Most of them come back.
6 It's a standard postal cancellation.

7 It says -- no, no. This isn't the standard one. This
8 one says, "No such number, return to sender."

9 Most of them come back with a standard notice,
10 "Undeliverable as addressed. Unable to forward, return to
11 sender."

12 90 percent of them come back that way, "Return to
13 sender, no such person at this address."

14 "Postman, this man has no business being registered
15 at this address. I have lived here two years, and have never
16 heard of him or met him." Signed, J. Foxhall.

17 "No such person at this address. This is the public
18 office for the Pacific Telephone Company. Any questions, call
19 Mrs. Knight at 864-3 --"

20 (Laughter.)

21 "Not at Mt. Zion Hospital."

22 "No such number."

23 "No such number. Not known at this address."

24 "No such number."

25 "No such number."

1 Ditto.

2 "No address. Unknown."

3 "No such person here. Wrong address. Never lived
4 here."

5 "Not at this address, no such address. Please return
6 to sender."

7 "No one by this name lives in this building, and has
8 not lived here within the last eight years. Thank you." V.R.
9 Arnold.

10 And there's another one here from V.R. Arnold:

11 "Does not, has not lived here for nine years. Has
12 left long ago to parts unknown."

13 "Moved four years ago. Please do not send any more
14 of this mail here."

15 Q All right. Let's see if I can remember the statistics
16 now.

17 You say that, out of the 325,000 sample ballots that
18 were mailed, 50,000 have been returned?

19 CHAIRMAN BARBAGELATA: May I correct you, if I am .
20 right? It was 320,000.

21 THE WITNESS: Yes. 320,000.

22 BY MR. MOMBOISSE:

23 Q 320,000. I'm sorry. Approximately 50,000 have
24 been returned?

25 A (Witness nods head.)

1 Q Of that 50,000, 7,000 have been changes of addresses.
2 Now, that comes up with something like 43,000 that are --

3 A About 41 or 42,000, yes, um-hum. It's around 49,000.
4 It's increasing. Every day, we get about a half a dozen of them
5 in.

6 Q Now, what procedure would be followed by the Registrar's
7 Office if these follow-up letters, Exhibit No. 23, are returned
8 undelivered?

9 A If they are returned undelivered, we would file them
10 away and cancel the voter's registration.

11 Q Now, how much did it cost to send each of these
12 sample ballots?

13 A Well, the sample ballots (indicating), these weigh
14 a quarter of a pound, and we pay 41 cents a pound for postage.
15 So, it's a dime. I just realized that.

16 Q All right. Now, how much did it cost for each that
17 was returned?

18 A Although they go out bulk rate, that's about 10 cents.
19 They come back Third Class, and there's 34 cents. So, we pay
20 34 cents to have these come back to us.

21 Q How much did it cost for each of the follow-up
22 letters, Exhibit No. 23?

23 A These follow-up letters have a First Class, 13-cent
24 postage up in the top.

25 Q Was there any charge for their return?

1 A No. They are returned to us, if undeliverable, by
2 the Post Office, for free.

3 Q Could you give us any estimate of the printing costs
4 that would be involved in the sample ballots?

5 A Fortunately, we had a large number of these on hand.
6 Oh, the sample ballots.

7 Q The sample ballots.

8 A Oh, all right. I believe we paid \$43,000 for sample
9 ballots, and about \$10,000 for sample ballots, for the whole
10 City.

11 Q And then, what about the cost of addressing them?

12 A Addressing is done by computer, and, of course,
13 there's computer time. I'm not sure exactly how much computer
14 time is involved. There is also clerical time involved in
15 stuffing them.

16 Q All right.

17 A It costs us about \$10,000 worth of clerical work to
18 stuff the entire City's election manual.

19 Q Now, when these were returned, there was a certain
20 amount of time spent as to processing them.

21 A Yes, there was. Approximately two hundred and eighty
22 man days.

23 Q And this process --

24 A Is still continuing.

25 Yes, I estimated the completion time of that will be

1 two hundred and eighty man days from the end of the election
2 'till when we finish.

3 Q Now, you have had an opportunity to review many of
4 these that have been returned, and the Affidavits of Registration
5 that is associated with them, have you not?

6 A Yes.

7 Q Can you tell us if there was any particular period in
8 time when those Affidavits of Registration were obtained?

9 A Most of them were quite recent in '74, '75, and even
10 '76. (Indicating.) Here's one. It was taken in the 10th of
11 March, 1975, right here in our office, and it was returned,
12 "Does not live at this address, and has never lived here." An
13 old fellow came in and brought this back to me, said that he
14 lived there for many, many years, and the fellow is a Lynn H.
15 Wong, Henry Street. Occupation is mule skinner.

16 (Simultaneous discussion.)

17 BY MR. MOMBOISSE:

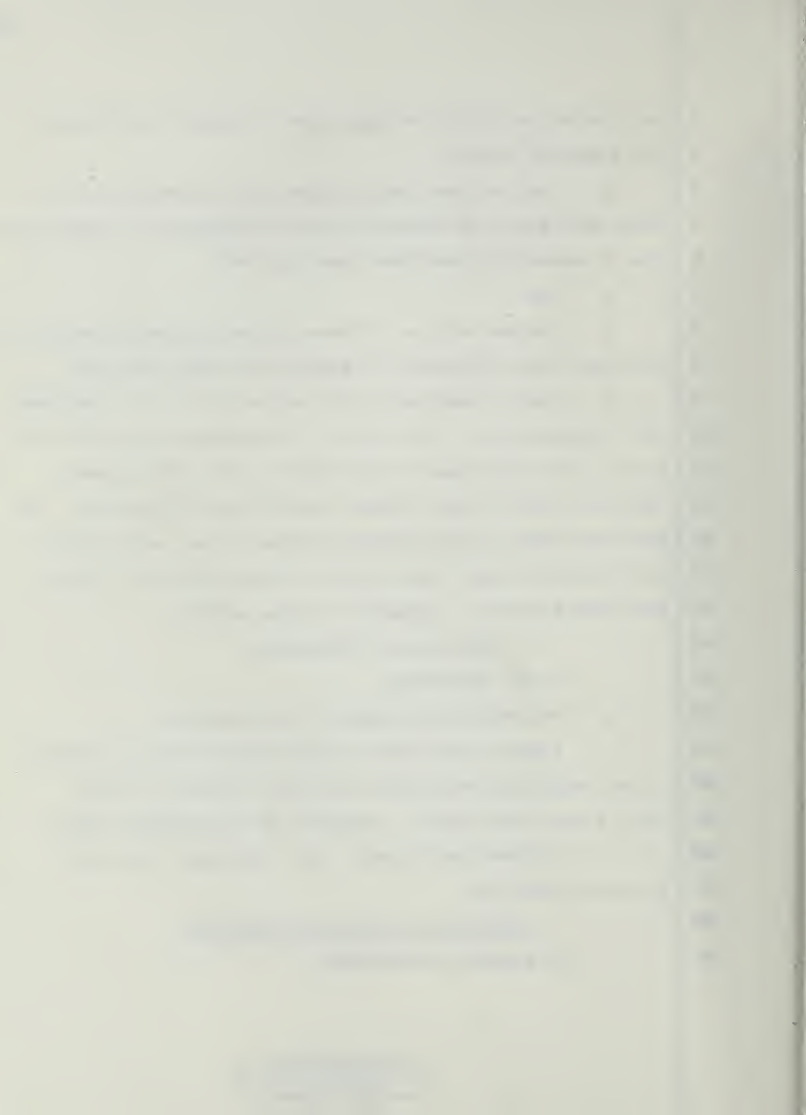
18 Q Who would be employed in San Francisco?

19 A I don't know where a mule skinner would be employed
20 in San Francisco, but there's one which claims to live on
21 Henry Street, but doesn't, according to the resident there.

22 CHAIRMAN BARBAGELATA: Mr. Momboisse, may I ask a
23 couple of questions?

24 QUESTIONS BY THE SELECT COMMITTEE:

25 BY CHAIRMAN BARBAGELATA:



1 Q You said roughly between 49,000 and 50,000 came back?

2 A Um-hum.

3 Q And that postage was 35 cents for postage.

4 A 34, yes.

5 Q Okay. So that's approximately \$17,000 return postage,
6 not counting handling, not counting paper, not counting printing.

7 A (Witness nods head.)

8 Q Then you mailed out approximately 42,000, again,
9 First Class, at 10 cents.

10 A 11. Uh, 13 cents.

11 Q At 13 cents?

12 A Yes. Again, on top of that there's more postage.

13 Q So, that's \$6500?

14 A Right. We received approximately a bit over 6,000
15 of these. They come back at 11 cents. They are business reply
16 cards.

17 Q So, that's what, 700 bucks?

18 A Right. The unit cost for postage was approximately
19 50 cents a head.

20 Q After the sample ballot?

21 A Yes. Not counting the initial cost of mailing the
22 sample ballot out.

23 Q Then, two hundred and eighty man days, what's the
24 cost of that?

25 A \$7,400.

1 Q \$7,400.

2 A Um-hum. There was about \$400 for printing that paper
3 notice, and a few additional amounts of these cards. Fortunately,
4 we had a large supply of these cards on hand, and they are just
5 about to become obsolete, with the Post Office registration
6 law.

7 Q Not counting printing by hand, other than the man
8 days, just for the 50,000, 42,000, we're already over \$32,000.

9 Would you say this whole operation cost the City
10 approximately, or close to \$50,000?

11 A I came up with 28,000. I don't have my scratch paper
12 with me.

13 Q All right. Just to go back through it, quickly, again.
14 50,000 came back at roughly 35 cents apiece. That's
15 7,500. 42,000 went out. That's First Class, at what, did you
16 say it was 13 cents?

17 A 13 cents.

18 Q That's 6500. You had 208 man days, and you said
19 something else, 700?

20 A Oh. That was postage on the return cards.

21 Q Okay. That's 32,000 there?

22 A Um-hum.

23 Q Alone, not counting anything else?

24 A I think that's counting everything, except the salaries
25 of the permanent employees that we would be paying, anyway.

1 Q (Nods head.)

2 BY MR. MOMBOISSE:

3 Q And that was 208 man days, to date?

4 A 208.

5 Q 208, up through the estimated date of completion of
6 this program?

7 SUPERVISOR FRANCOIS: No, overtime.

8 THE WITNESS: No, overtime.

9 CHAIRMAN BARBAGELATA: Thank you.

10 BY MR. MOMBOISSE:

11 Q Could you give us an estimate based upon what you
12 have already seen as to how many voters will be purged as a
13 result of this?

14 A Yes, probably 30,000.

15 Q Do you have a feeling as to whether or not there are
16 any false registrations in the file, false Affidavits of
17 Registration in the file?

18 A Certainly, there are some. I couldn't tell you the
19 extent or the number, though.

20 Q It's very, very difficult?

21 A This one apparently is. And this program has
22 uncovered many that apparently are.

23 Q To what did you attribute the false registrations,
24 based upon your experience?

25 A I think a very large number of them come from the



1 fact that they are not so much false registrations as fictitious
2 registrations wherein a volunteer Deputy Registrar will register
3 a non-existent person or an existent person without his knowledge,
4 just to get the 35 cents or more that is paid as a bounty.

5 Q Will the present procedure purge false registrations
6 from the files?

7 A Yes, it will purge, I think. It's purging most of
8 the false registrations. Another, of course, more sinister,
9 if you want to use that word, kind of false registration is
10 the person who registers falsely because he lives out of town
11 and wants to vote here, or wants to vote twice. We'll get
12 most of those, and we'll get most of the non-existent persons.
13 We won't -- this mail program won't get the person who remains
14 registered out of his parents' house while he lives in Mill
15 Valley, or wherever.

16 But it will get the person who is registered at his
17 old address, while he's long since moved to some suburban
18 community.

19 Q And it will also get those that lived at the address
20 to begin with?

21 A That's right, um-hum.

22 Q Now, I believe you received a printout from the
23 Department of Motor Vehicles?

24 A We received a printout from the Secretary of State,
25 and this was the result of a computer cross-check between the

1 Department of Motor Vehicles' drivers license file and our
2 voter registration file. It contained 12,000 names, approximately,
3 and these names were people who had their driver's license
4 registered in a suburban county while having voter registration
5 here in San Francisco.

6 The computer cross-check was made on the basis of
7 name and birthday, so that there was, it was thought to be
8 very little chance that somebody named John Smith was born on
9 January 24th. There would be many John Smiths, but very few
10 of them, probably none, that all have the same birthday.

11 Q (Nods head.) What action was taken by the Registrar's
12 Office, based upon that list?

13 A Well, at first, when we first got the list, it was
14 in no particular order. There was no order that we could make
15 use of. It was an alphabetical list by county. For example,
16 all the people who had lived in Alameda County, were allegedly
17 registered here, were input in one list for us to see, with no
18 recent number indicated, or anything. So, at first, it looked
19 like we couldn't use the list.

20 Then, I was able to get the Secretary of State to
21 produce another list which was sorted by precinct, out precinct,
22 and alphabetically within the precinct.

23 So, we got nine hundred and forty little challenge
24 lists with about a dozen or two dozen names on them. We sent
25 those out to the precinct with those instructions, and each of

1 those persons were challenged if they came in to vote at the
2 precinct.

3 Q Approximately what was the total number of names on
4 the challenge sheets that you sent out?

5 A There were 12,000 names.

6 Q And these were sent to the various precincts in the
7 City and County of San Francisco?

8 A Each precinct got a list with 10 or 20 names on it.

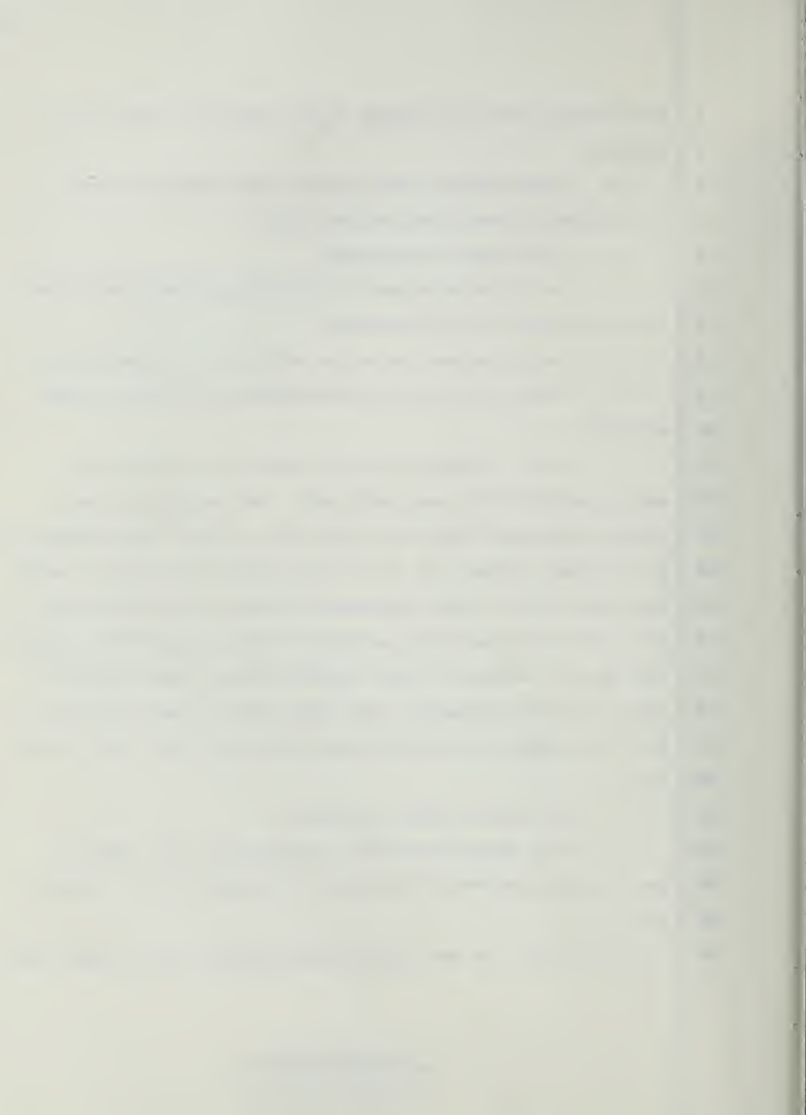
9 Q Could you tell us what happened on the day of the
10 election?

11 A Yes. On the day of the election, of the 12,000,
12 approximately 9,000, the registrants, the suspected illegal
13 registrants didn't show up at the polls. About 3,000 showed up,
14 and of those, almost all of them took the Oath and said, swore
15 that they lived at that registered address. And there were
16 about one or two or three percent of those, about three percent
17 that weren't allowed to vote, either because they refused to
18 swear, or more frequently, that they took the Oath and gave
19 the wrong answer, the wrong answer being that they live out of
20 town.

21 So, those weren't eligible.

22 Q Any changes presently contemplated with regard to
23 voter registrees that will appear in the precinct on election
24 day?

25 A Yes. The new Postcard Registration Law provides that



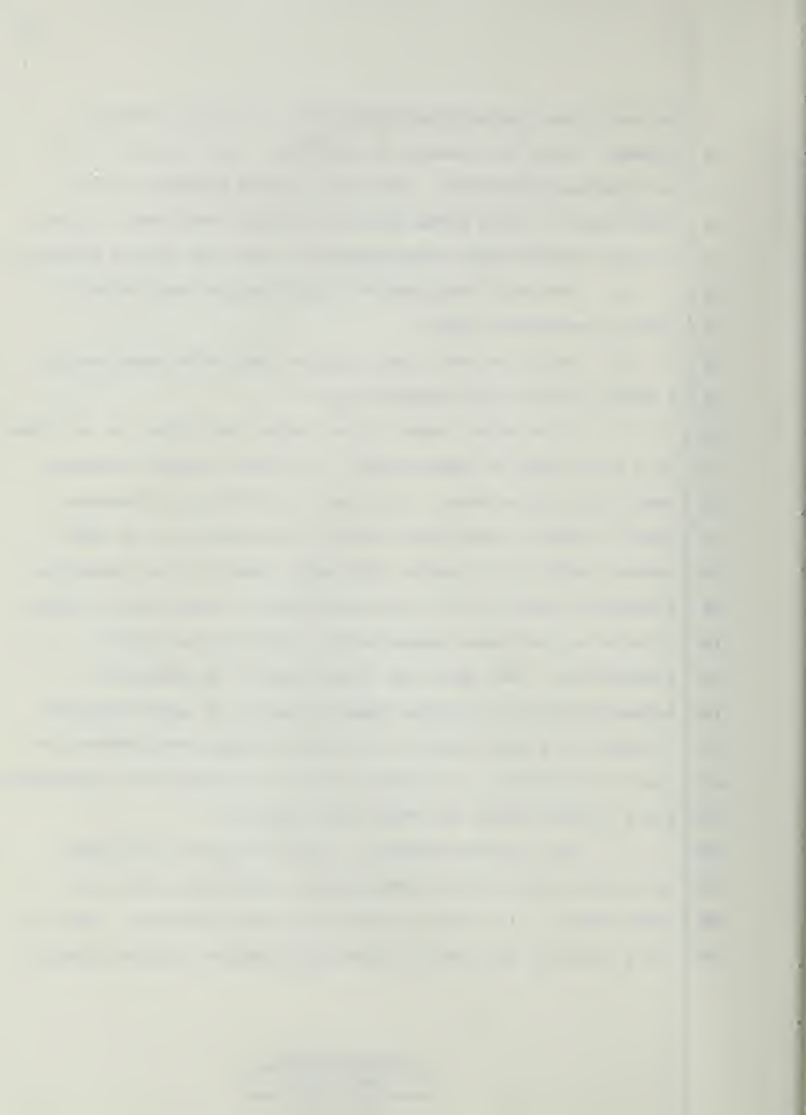
1 we don't send the original Affidavits out to the precinct
2 anymore. They will remain in the Office. So, there will be
3 no signature comparison. But it's, that's probably not of
4 much value. I have never heard of anybody that wasn't allowed
5 to vote because their signature wasn't the same on the Affidavit.

6 Q How will the names be listed on the new precinct
7 rosters on election day?

8 A Well, we have a new program that we're instituting.
9 I stole the idea from Orange County.

10 It's usual, when a voter enters and signs in, he signs
11 in a black book in random order, and there's about 300 people
12 that sign in this book. So, after the election, if someone
13 wants to know if John Jones voted, they have to go to this
14 roster, which is in random, 300 names, some of the signatures
15 illegible, and look for each one of them. Maybe he's on there.
16 If he's not on there, maybe he's on the Absentee Ballot
17 Applications. So, they have to go over to the Absentee
18 Ballot Applications, check those to see if he voted absentee.
19 And there's a good chance, if you are looking for someone, to
20 see if they voted, you might not find it, because the signatures
21 are in random order, and they are illegible.

22 So, the new program -- and this isn't really done
23 to aid the voter fraud investigation, but that's sort of a
24 side effect -- it's done because it's more efficient. But the
25 new program is that we will have our computer printout roster,



1 and it will be pre-printed in alphabetical order with all the
2 names of all the voters in the precinct from A to Z. And each
3 person will sign next to his computer printed name as he comes
4 in to vote.

5 Also, anybody who votes absentee before we send this
6 roster out to the precinct, we will have a rubber stamp, and
7 we will stamp where they would normally sign "Absentee voted."
8 That way, first, when a person who already voted absentee goes
9 into the precinct, he won't be able to sign.

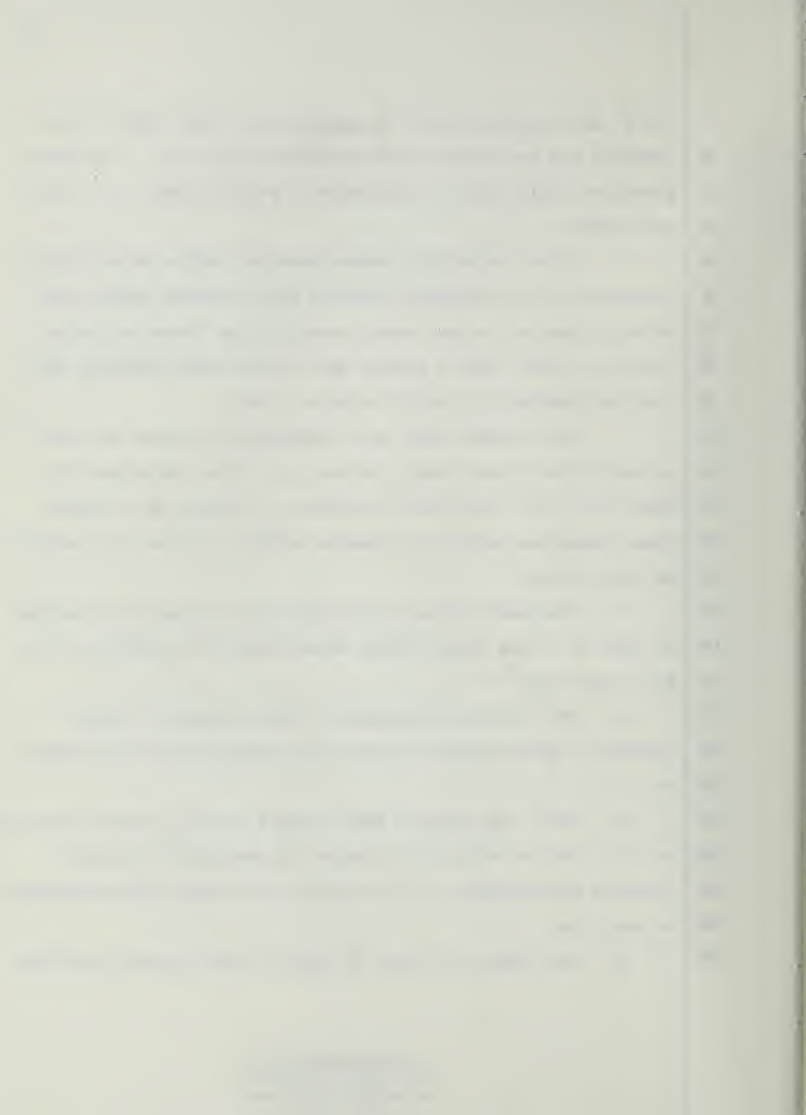
10 And second, when we're investigating later and want
11 to see if John Jones voted, we just go to the roster and look
12 under the "J's," and there is either a signature or a rubber
13 stamp "Absentee voted," or there's nothing. We can tell whether
14 he voted or not.

15 The main reason we are doing this, though, is because
16 it aids us in the purge, which we will have to be doing at the
17 end of the year.

18 Q Now, has the Registrar's Office referred certain
19 matters to the District Attorney for investigation with regard
20 to . . . ?

21 A Yes. We referred many matters to the District Attorney,
22 and the District Attorney is taking the initiative nowadays,
23 and they are spending a lot of time in the Office doing research
24 on their own.

25 Q Are there any plans to refer to the District Attorney



1 information that is obtained as a result of the return of this
2 follow-up mail, return Sample Ballot?

3 A Yes. I think we will return, give to the District
4 Attorney -- I know we will give to the District Attorney the
5 letters that are marked "Does not live at this address," "Has
6 never lived here." And ones to that effect.

7 Some of the others, for example, people who are
8 deceased or it just says, "Moved," we don't know when they
9 moved, or when they died. They might well have died after
10 the election, and before we sent the letter to them. So,
11 we won't be referring those to the District Attorney unless
12 they want them, of course. We will tell them we have them,
13 and what the District Attorney does with them is up to the
14 District Attorney.

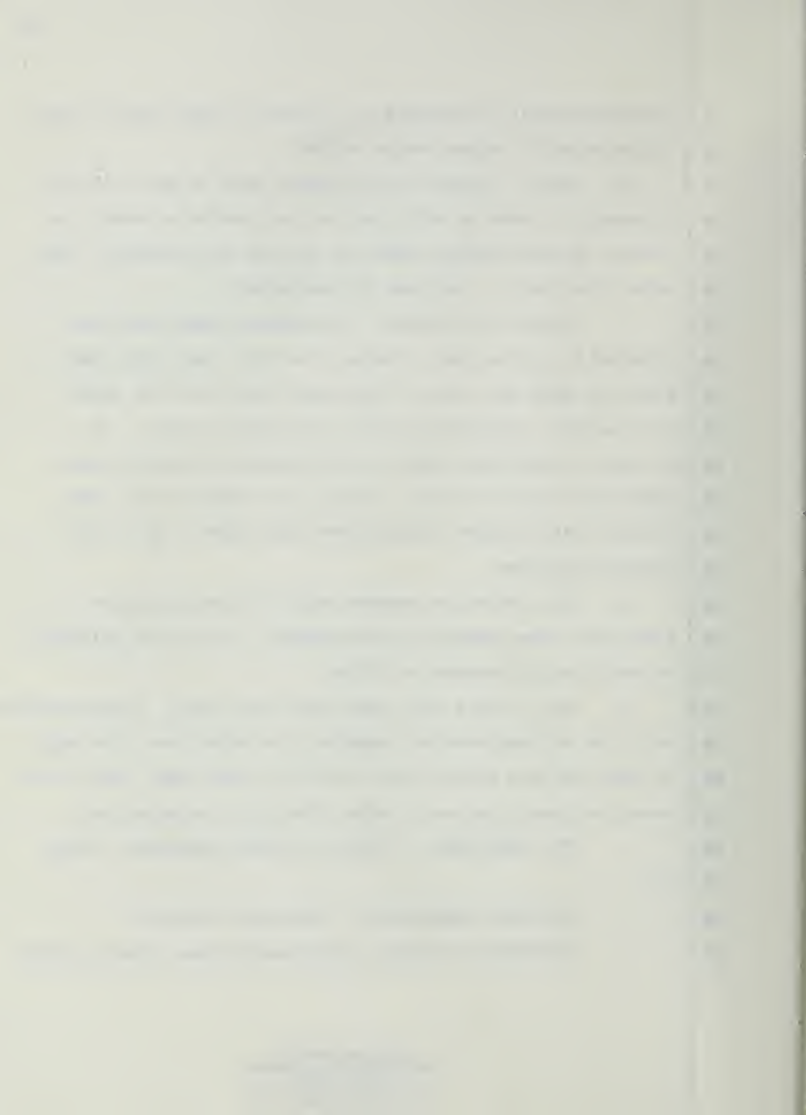
15 Q But, there are numbers which indicate that the
16 individual never resided at the address. It will be referred
17 to the District Attorney's Office?

18 A Yes. There are, those are in our file. I have pulled
19 out a few of them here for examples, but there are a lot more
20 of them that are inter-filed in with the work flow, and we are
21 canceling them right now. Later, they will be pulled out.

22 MR. MOMBOISSE: I have no further questions. Thank
23 you.

24 CHAIRMAN BARBAGELATA: Supervisor Francois?

25 SUPERVISOR FRANCOIS: What about these missing books?



1 A Well, the --

2 Q And the gentleman that was in here, I understand,
3 earlier, who wouldn't answer any questions, and referred to
4 all of the, a number of amendments to the Constitution?

5 A I understand --

6 Q Are those matters being referred to the District
7 Attorney or the Grand Jury?

8 A They were referred to the District Attorney long ago,
9 yes; before the November election.

10 Q Has the Grand Jury been involved in this, other than
11 in returning indictments? Is the Grand Jury conducting
12 investigation?

13 A There is the usual member of the Civil Grand Jury
14 that is coming into our office and asking questions on this
15 and other matters. Mr. Tentes is the one.

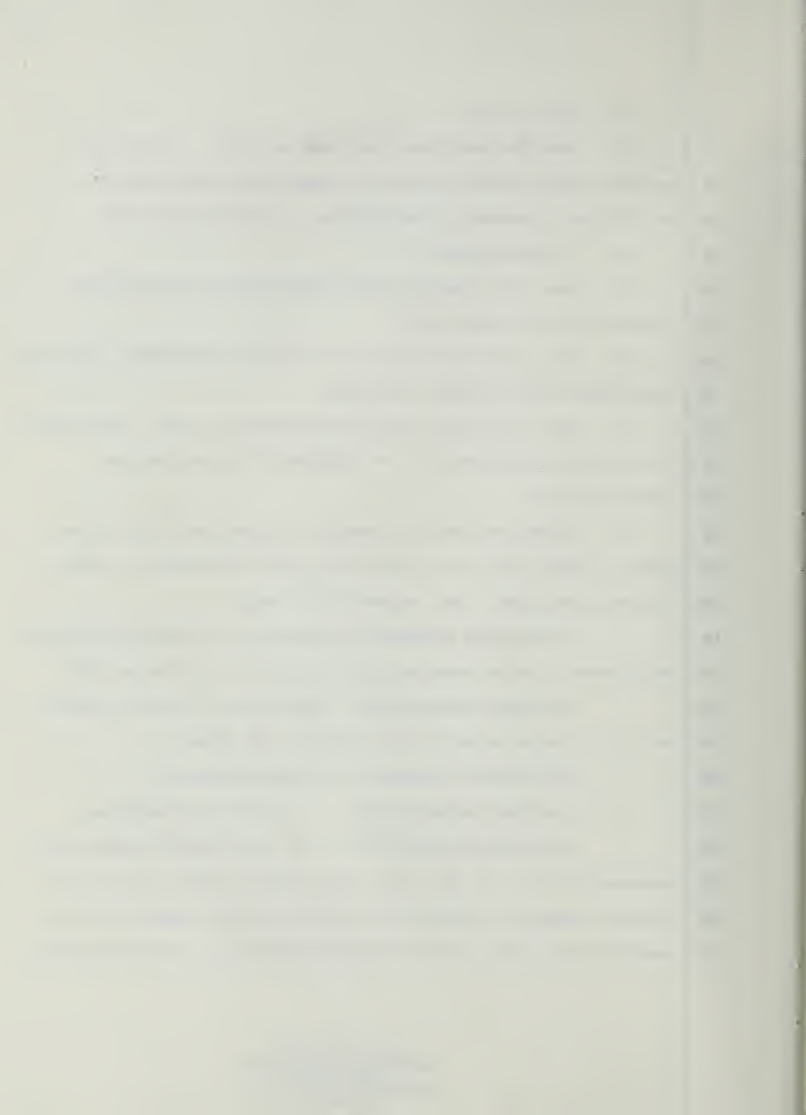
16 SUPERVISOR FRANCOIS: Gentlemen, is the attention of
17 this matter that's occurred this morning to the Grand Jury?

18 CHAIRMAN BARBAGELATA: Supervisor, I hadn't thought
19 of it. I leave it up to you. You're the legal --

20 SUPERVISOR FRANCOIS: My understanding --

21 CHAIRMAN BARBAGELATA: -- arm of the Committee.

22 SUPERVISOR FRANCOIS: -- is that the gentleman who's
23 responsible for the fact that the largest number of books is
24 missing refuses to answer any questions about these missing
25 registration books, these missing Affidavits, which are still



1 missing, as I understand.

2 MR. MOMBOISSE: Well, Supervisor, one of the next
3 witnesses this morning will go into the number of missing
4 books and the rundown on them for your . . . I think we will
5 be able to answer your question.

6 SUPERVISOR FRANCOIS: Now, on this Postcard Registration
7 System, which is stated, where we have postcards, as I understand
8 it, in public buildings all over town, where people can pick up
9 a stack of postcards, take them home and fill them out at
10 leisure, and as many names as they choose, and as many different
11 addresses and precincts: How are you going to deal with that?

12 Suppose I choose to take a hundred of these cards
13 out of the Post Office or public library and take them home
14 and register a hundred times, in a hundred different precincts?

15 THE WITNESS: Well, under the present system, you
16 can register a hundred different times. It's a little more
17 difficult. You have to go --

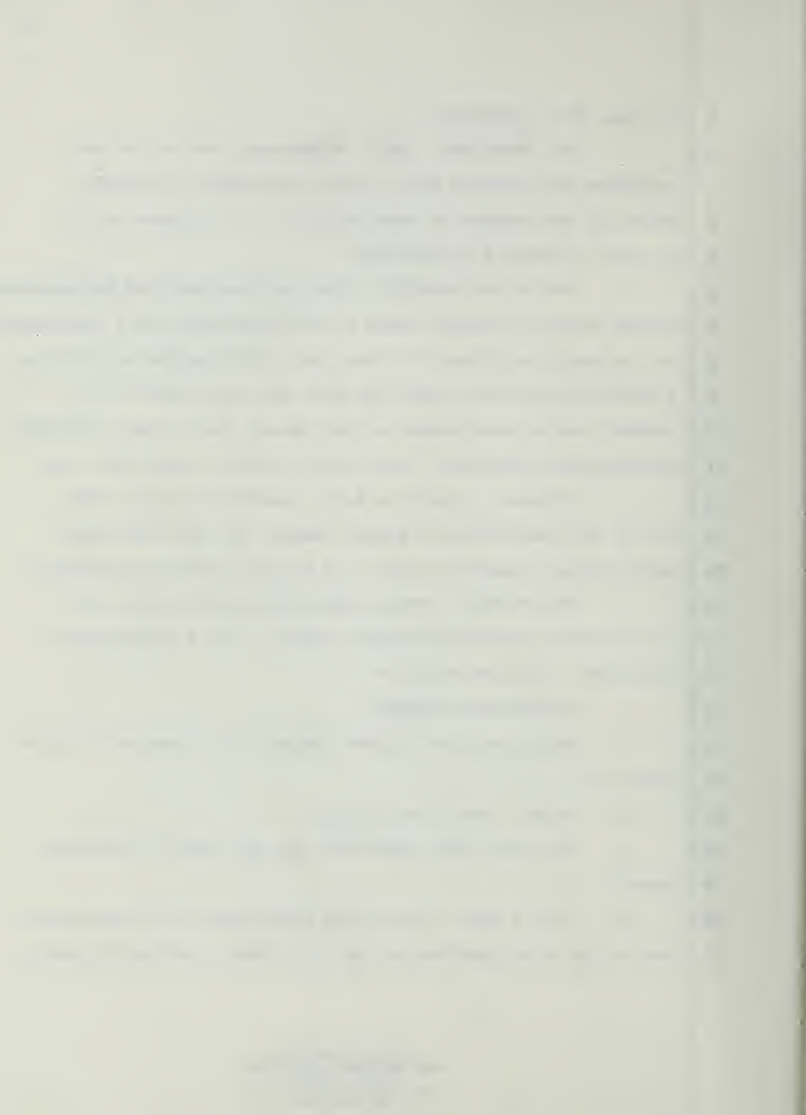
18 SUPERVISOR FRANCOIS:

19 Q Well, you have to have access to the (unintelligible)
20 date now?

21 A Right. But it's possible.

22 Q But now, these postcards are just going to be lying
23 around?

24 A That's true. One of the provisions that the Postcard
25 Law, which is an improvement, is that, when a postcard comes in,



1 we have to send out a follow-up, or a Confirmation Letter, and
2 this is a notice that says that we received your postcard
3 registration. You are now registered.

4 If it goes to a non-existent address or a non-existent
5 person, it will probably be returned by the Post Office, and
6 the registration will be canceled.

7 Q How much is that going to cost the County?

8 A The State is supposed to pay for that.

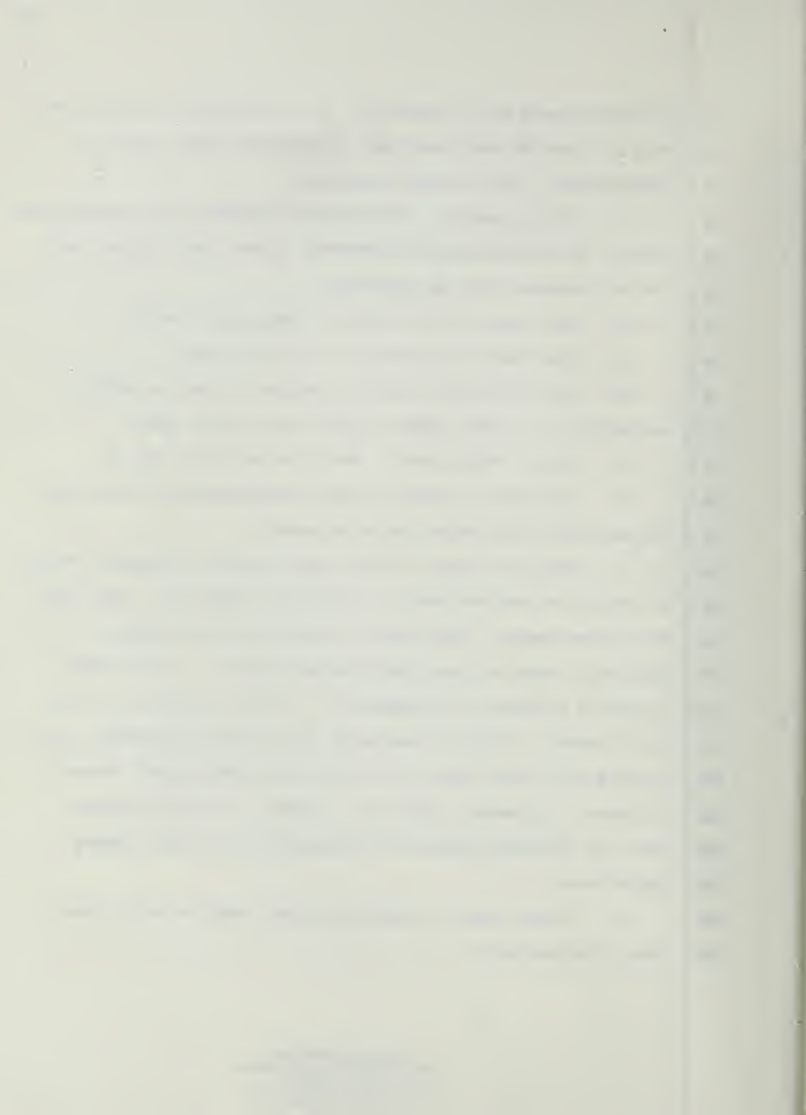
9 Q The State will pay for sending it out, as well as
10 the return? In other words, send it out First Class?

11 A Yes. (Nods head.) The State will pay for it.

12 Q And that's going to cost the taxpayers of the State
13 how much for a postcard that's returned?

14 A Well, we have to first send out the original. We'll
15 be having to send out many of the blank forms out. That will
16 be at nine cents. Then they'll come back at 11 cents,
17 then we'll send out the Confirmation Notice. I don't know
18 if that's a letter or a postcard. If it's a letter, it will
19 be 13 cents. If it's a postcard, it will be nine cents. So,
20 it will be -- let's see. What does that add up to? Around
21 32 cents. 33 cents. Which is, I guess, a little cheaper
22 than the 35 cents that most counties pay for their Deputy
23 Registrars.

24 Q Well, are you implying, then, that we won't have
25 Deputy Registrars?



1 A The people who run Deputy Registrar programs tell me
2 that they still want to run Deputy Registrar programs, but I
3 think that such drives will be redundant when the postcards
4 come in. They will find that it's a lot easier to distribute
5 the cards and have people send them in than it will be to sit
6 in front of Macy's and fill out affidavits one at a time while
7 people wait in line.

8 Q Well, I'm asking you, though, not what they will find
9 but what is your Office going to do in that regard? Will your
10 Office consider this as an adequate substitute for . . .

11 A Yes. We'll issue postcards.

12 Q And not follow the system you did in the last election
13 of handing out affidavits, helter skelter, which somehow don't
14 get back?

15 A Well, if the people that run registration drives
16 want Deputy Registrar-type affidavits, we still have to give
17 them to them. But, I'm sure they will find that it's a
18 lot easier for them to go with the postcard.

19 Q Well, do you have to give them to them in the manner
20 you did the last time, or can't you require them to return one,
21 do it on the one-and-one basis?

22 A Yes. We can do that, and that's what we are doing
23 now.

24 (Witness handing document to Supervisor Francois.)
25 Now, this is some guidelines that we have issued. This is a

1 memo from Mr. Carney to all the staff of the Registrar of
2 Voters, And it says -- it's rather lengthy. I think I will
3 summarize it.

4 The postcards from the Secretary of State haven't
5 arrived yet. In the meantime, we will use the old forms and
6 the classes are to be given only by four persons, all employees
7 of our Office.

8 Nobody gets more than a hundred affidavits -- that's
9 four books -- unless it's authorized by the Registrar or by me.

10 Let's see. When they get their four books, they
11 don't get any more until they bring back the ones that they
12 have used already.

13 MR. MOMBOISSE: May we have a copy of that?

14 THE WITNESS: Yes. I gave a copy to Eileen this
15 morning.

16 CHAIRMAN BARBAGELATA: Mr. Patterson --

17 MR. MOMBOISSE: Yeah.

18 CHAIRMAN BARBAGELATA: -- I just want to ask you a
19 couple of questions here.

20 Q While 50,000, approximately, came back, there's no
21 way of knowing, truly, how many would have come back if the
22 various building, occupants of the building would have sent
23 the undeliverable ones back. A lot of them laid around in
24 apartment house lobbies, I would presume. This could be
25 thousands more; am I not correct?

1 A It could be. Most of them that came back, came back
2 because the Post Office, Post Office's Central Forwarding
3 Bureau caught them. You see, they are sent out with specific
4 instructions not to forward. It says, "Postmaster, if
5 undeliverable as addressed, do not transfer for forwarding.
6 Return postage guaranteed."

7 So, when these went through the Forwarding Bureau,
8 normally they would put a new address label on it, forwarding
9 it to the voter's new address. But, instead of doing that,
10 because of the inscription we have put on it, they returned
11 it to us. So, most of these that came back never entered any
12 mailboxes, private mailboxes or mail slots or apartment
13 lobbies. They were sent back to us because people had filed
14 a Change of Address card with the Post Office, and hadn't done
15 so with us.

16 Q That was 7,000 or 50,000?

17 A No. That was the 50,000.

18 Q Will you clarify it, again?

19 Not the whole statement, just the end, there.

20 Let me try it, see if I can get it.

21 A All right.

22 Q 50,000 came back. Then you got bundles of those, and
23 you went through those and you found that some people had filed
24 the Change of Address, and that amounted to how many?

25 A This is another kind of Change of Address. You see,

1 when people move, they normally will file a Notice with the
2 Post Office that they moved, and they want their mail forwarded
3 to their new address. So, the Post Office does this automatically.

4 Well, when these Sample Ballots were delivered to
5 those persons, instead of being forwarded, they were returned to
6 us, because they were sent out specifically with instructions
7 not to be forwarded. So, that's how most of them were caught.
8 They filed Changes of Address cards.

9 Q So, how many of the 50,000 would you say that would
10 be?

11 A It's difficult to tell. Some of them come back with
12 the standard inscription -- let's see -- "Unable to forward,"
13 "Undeliverable as addressed," "Return to sender." And others
14 came back with lines drawn through them and pen writing on
15 them, "Moved," or whatever. Those ones probably went into
16 mailboxes, or at least got to the carrier level.

17 Q Okay. But now, there could be an additional tens
18 of thousands that went into mailboxes, that there wasn't an
19 occupant there by that name, and so they were just discarded
20 and never got back, unless the person --

21 A Yes.

22 Q -- person who opened the mail for that particular
23 location took the, made the effort to --

24 A Um-hum.

25 Q -- forward them back?

1 A That's possible, yes.

2 Q And then, with respect to registration, since the
3 books were handled so loosely last year, isn't it possible
4 that somebody could have registered under 10 different names
5 at the same address and those would not be purged this time?

6 A That is --

7 Q If that person lives there?

8 A That is theoretically possible, yes, uh-huh.

9 Q So, in other words, if you wanted to register under
10 your name and nine other names at your home address, when that
11 is sent out, to you, you received ten sample ballots, none of
12 which would come back?

13 A Um-hum.

14 Q Those names would still be on the rolls and that
15 person could vote?

16 Well, it would be very difficult to do; you would have
17 to find ten different people to run in on an election day and --

18 A You could do it, absentee.

19 Q Or you could do it absentee; is that correct?

20 A That's a possibility. I don't know.

21 Q No way of correcting it?

22 A There's no way of catching it easily unless they --
23 I don't know of any cases like that, but it's theoretically
24 possible.

25 Q How would you even catch anybody if he wanted to

1 register ten times at my home address and vote absentee? It
2 would take years to get, it would be impossible to catch it;
3 am I reasonably correct in that?

4 A I think so, yes, um-hum. I can't see any way that
5 it could be uncovered by going through the records, or anything.
6 There are addresses that have ten people living there.

7 Q The reason I am bringing this up, this could happen
8 if people registered at libraries or at your office, or anywhere?

9 A (Witness nods head.)

10 Q But the likelihood of it increasing and it being more
11 prevalent would be greater if we had less control of the
12 Affidavit books; am I not correct in this?

13 A Well, the more places you have registrations taking
14 place, the more chances there are that somebody will walk from
15 one department store to another. If you have one on every
16 street corner, if you have somebody so inclined, they would do
17 this.

18 Q Well, you controlled ten books, let's say, and nobody
19 was controlling you. It would be reasonably simple to do that,
20 wouldn't it?

21 A We've caught several people who have done that, where
22 the whole Affidavit book is filled out in the same handwriting,
23 and so forth. But we do catch those, um-hum.

24 Q But if you had ten different books and put your name
25 once in each book, it would be the same handwriting, each book,

1 it would be pretty hard to catch it?

2 A I suppose it could be done, and if it were, it would
3 be hard to catch, yes. 'But, we still -- yeah.

4 CHAIRMAN BARBAGELATA: (Addressing Supervisors Nelder
5 and Francois) Do you have any questions?

6 SUPERVISOR NELDER: Just one.

7 Q We didn't get any significant number of Chicago type
8 registrations. That is, deceased persons?

9 A Well, there were about 500 of these came back marked
10 "Deceased."

11 Q Did you conclude that those people had died between
12 the date of registration and the election day, or --

13 A Well.

14 Q -- or there are some tombstones that got registered?

15 A Well, the rolls haven't been purged since the
16 beginning of '75. So, that's a year and a half; so, it's
17 quite probable that 500 people died in the last year and a
18 half.

19 Q Is there ready reference to the determination that --
20 I just wonder whether anyone went to the extent of registering
21 out of cemeteries or --

22 A Well, there wouldn't be any way of knowing that, that
23 the person is, is deceased or just using a fictitious name that
24 someone made up. It would show up as the same on this. Most
25 of them would be caught by the Return Mail Program, if they were

1 registered at non-existent addresses or existant addresses where
2 somebody else lived.

3 Q Well, doesn't the Registrar have the vital statistics
4 over at the Department of Health? Has a record of, of who died
5 in 1975?

6 A They do, but there are a lot of people that die that
7 have the same name, and we would have to be sure that we don't
8 get the wrong person canceled, disenfranchise somebody.

9 CHAIRMAN BARBAGELATA: These have just started to
10 come back, though?

11 THE WITNESS: No. They are pretty much --

12 CHAIRMAN BARBAGELATA: The blue envelope?

13 THE WITNESS: I guess we got about 80 percent.

14 CHAIRMAN BARBAGELATA: Oh, pardon me. That's the
15 50,000? There's the other mailing that you are putting out
16 now that's just starting to come back?

17 THE WITNESS: Oh, this is the one that's just starting
18 to come back.

19 CHAIRMAN BARBAGELATA: That's okay.

20 THE WITNESS: Actually, it's just finishing up.

21 BY SUPERVISOR FRANCOIS:

22 Q Well, would it be difficult to run it through the
23 computer and see whether some registrant, registrar was
24 registering deceased people? Couldn't our EDP Section get
25 the names?

1 A I think if I worked on --

2 Q Run them through, and even though you don't have the
3 birthdays and so forth . . .

4 Suppose that it developed, for instance, that most of
5 those people died more than ten years ago. Then you would,
6 there would be some indication that somebody had borrowed
7 from an old technique that's used in many of the Eastern Cities.

8 A Borrowed from the grave, uh-huh. Well, if I were
9 registering people fraudulently, I don't see that there would
10 be any advantage to using the names of dead people, as opposed
11 to the names of people that were picked out of the hat.

12 Q Well, a dead person isn't likely to embarrass you
13 by registering and voting, and in the same precinct.

14 MR. MOMBOISSE: Supervisor, I believe --

15 SUPERVISOR FRANCOIS: You know there was a reason
16 for that. You didn't have to worry about competition.

17 MR. MOMBOISSE: Much of this material is being turned
18 over to the District Attorney for its further investigation.

19 SUPERVISOR NELDER: I was going to ask Mr. Patterson
20 a question.

21 Q It seems to me that some of the information, or
22 misinformation, that's been developed here along with perhaps
23 these other areas, the District Attorney's Office, the
24 Attorney General's Office, and the U.S. Attorney -- are you
25 cooperating with any of these people on this matter?

1 A The District Attorney, we are cooperating. The
2 District Attorney has had some staff in our office every day
3 for the last few months. The U.S. Attorney and the Attorney
4 General of the State are not taking an active interest in the
5 case.

6 SUPERVISOR NELDER: I would suggest, Mr. Chairman
7 and Supervisor Francois, at some point we might discuss that,
8 so we can sit down with them, or at least have them here, so
9 that we can discuss some of the information that's come to our
10 attention. We may bring this up at a future date.

11 Those 3,000 that you broke down that you cross-checked
12 with the Drivers Licenses, the birthdate and the address --

13 THE WITNESS: Yes.

14 BY SUPERVISOR NELDER:

15 Q -- are they in the hands of some authority?

16 A Yes. The list was turned over to the District Attorney,
17 but it's believed that it's, I think, it would prove that these
18 people are legitimate San Francisco residents, who are registered
19 here, and they just forget, either forget to change their
20 driver's license address when they moved here from the suburban
21 county, or that they are registered, that they have their
22 driver's license in a suburban county because they get a lower
23 auto insurance rate.

24 Q Do you know if there's been any effort made to
25 question some of the Registrars as to, per any illegal activity

1 that might have occurred by virtue of the registrant?

2 A Some of the registrants?

3 Q Yeah.

4 A No, we haven't. If it is illegal, or appears to be
5 illegal, then, it's a matter that the District Attorney would
6 likely be prosecuting them, and we shouldn't put our finger in
7 the pie by maybe spoiling things and talking to them beforehand.
8 So, we turn it over to the District Attorney.

9 SUPERVISOR NELDER: That's another matter, Mr.
10 Chairman, that I think we might pursue, is to see what we can
11 determine from registrants, and I think that's something that
12 we might agendize for a future date. I would like to find out
13 from any one of those three authorities, what effort has been
14 made to question the registrants.

15 It seems to me that there is some collusion that
16 exists, and I would like to pursue that at a future date.

17 CHAIRMAN BARBAGELATA: Any more questions of Mr.
18 Patterson?

19 THE WITNESS: I have something to add about the costs
20 which we went over.

21 MR. MOMBOISSE: Okay.

22 THE WITNESS: Although there were costs associated
23 with the Return Mail Program, the net result of it, in the
24 long run, will be that it saves money. Every election we have
25 to mail this election material to every voter and keep them on

1 the rolls and provide all the services that we normally provide;
2 and that's a considerable expense every election. And if these
3 people hadn't been canceled or had their address changed to
4 their proper address now, this is an expense that would have
5 continued for years, continued for years, because, under the
6 new rule --

7 CHAIRMAN BARBAGELATA: Mr. Patterson, we got your
8 point, and I am sure that the Finance Committee, at least,
9 appreciates it.

10 THE WITNESS: Thanks.

11 CHAIRMAN BARBAGELATA: I think it will save money
12 in the long run, even though it costs 30 or \$40,000. That
13 will all be picked up, plus we will have cleaner rolls.

14 THE WITNESS: Yes, on that subject of the cleaner
15 rolls, the new Purge Law, that's the November purge on even-
16 numbered years, formerly, if a person didn't vote, he was
17 sent a letter that says, "You didn't vote in the last election.
18 Your registration has been canceled. If you want to get back,
19 you have to return the card."

20 Now, the new Postcard Registration Bill kept this
21 provision and improved it a little bit, but then, a few months
22 later, a new bill was passed, which changed the procedure
23 drastically. Now, if a person doesn't vote in the general
24 election, we send them a postcard, and the postcard said,
25 what we had is, if they don't return the postcard, we are to

1 assume that they still live there, and they are still entitled
2 to vote there, and we don't cancel them if they don't return
3 the postcard.

4 CHAIRMAN BARBAGELATA: You are kidding.

5 THE WITNESS: Hum-um. That's the new law. And that's
6 why this Return Mail Program is so -- I thought it was so
7 important. Even though it costs more, obviously, this November
8 purge isn't going to get us anywhere, isn't going to clean up
9 any of the dead wood. So, the time to clear up this dead wood
10 was at this June election. That's another reason why we did it.

11 CHAIRMAN BARBAGELATA: All right. Thank you, Mr.
12 Patterson.

13 (Witness leaves stand.)

14 CHAIRMAN BARBAGELATA: For the record, I would like
15 to state that this Committee has invited the Registrar, last
16 year, Mr. Leguennec, who refused to testify.

17 We have invited Mr. Brown, who refused to testify,
18 for Frontlash.

19 And we invited Mr. John Crowley, who, I believe, is
20 involved directly with Frontlash, on four occasions, and he
21 has been unable to make any of the dates that have been
22 provided to him.

23 And I am wondering if my colleagues would like to
24 refer this information and comment on this, this issue here,
25 because I don't think there's much more that we can do as a

1 Committee if these people are not going to cooperate.

2 Maybe you would want to refer this to the Grand Jury
3 and bring this to their attention.

4 Maybe, Mr. Momboisse, you would like to comment on
5 that.

6 MR. MOMBOISSE: No comment at this time.

7 SUPERVISOR NELDER: Well, I would like to say, Mr.
8 Chairman, I think that should be done. I think this matter
9 certainly belongs before a Grand Jury of the United States,
10 Federal Grand Jury, or the Local County Grand Jury. Surely,
11 it belongs before one of those bodies, simply because they
12 have the power of Subpoena; they have the power of indictment;
13 they have the power that we don't have. And I think that a
14 matter which involves a person's right to vote, I think is so
15 serious that, surely, it belongs in one of the arenas, and I
16 would suggest, perhaps, that we complete our hearings, and then
17 make that determination. And at this time, I feel most
18 certainly that it should be referred to one of the constituted
19 bodies. But I think we should do that at the conclusion of
20 the hearings.

21 SUPERVISOR FRANCOIS: Mr. Chairman, I would agree
22 with that observation. The Grand Jury has the powers of
23 Subpoena; the power of granting immunity, and force the witness
24 to testify; the powers that we don't possess. And I think for
25 every one of these witnesses who have refused to testify, at the

1 conclusion of these hearings, unless some fact is developed
2 that would suggest otherwise, the matter should be referred to
3 the local Grand Jury, who are, I think would be the proper
4 place, since this was a local election and not a Federal
5 election.

6 CHAIRMAN BARBAGELATA: Is that the consensus of the
7 Committee, then? One, we include these hearings, our whole
8 package and our report will be transferred to the --

9 SUPERVISOR NELDER: I would so move.

10 SUPERVISOR FRANCOIS: No, but I -- with particular
11 attention to the fact that there were certain people who refused
12 to testify, so that the Grand Jury might determine that they
13 would want to subpoena these people and giving the name of
14 those, and the numerous opportunities that were afforded them.
15 And, of course, the Grand Jury would have to proceed as they
16 deem best advised. They can just -- Apparently should be
17 informed that this reference has been made to the Grand Jury.

18 CHAIRMAN BARBAGELATA: All right. Thank you.

19 SUPERVISOR NELDER: I would like to repeat, Mr.
20 Chairman, what I said this morning. I came in here with a
21 totally open mind, as I sincerely did. And yet, I feel
22 differently now, simply because one man comes in with a
23 lawyer, refuses to answer any questions. There was obviously
24 evasion by other witnesses to even come in, and some of the
25 testimony that has been deduced has changed my mind completely.

1 So, these three areas, I try to predicate my feeling today,
2 which I didn't really feel at first. I really came in here
3 hoping, with a fine degree of cooperation, that we could
4 develop this legislation, and a concept that would be beneficial
5 to all the citizens of our community. But, I have to admit
6 that the conduct that I have just cited has changed my feeling
7 completely.

8 SUPERVISOR FRANCOIS: Well, may I just add this comment.
9 For all these years, I have accepted the bland and apparently
10 sincere claim of those who have been involved, that they were
11 interested in bringing the dispossessed, if you will, poor
12 minorities into the mainstream, and to get them involved in
13 the electoral process. And now, it appears that much of this
14 effort was for selfish purposes, to accomplish political
15 results that suited their fitting, and in some instances
16 obtain political points. And I feel that my people have been
17 particularly abused, time after time, and now we have flagrant
18 examples of fraud, which is a derogation of the entire democratic
19 process, and I would hope that the Registrar of Voters would
20 return to the old system of running a tight ship and seeing that
21 the duly designated responsible authorities who can't play
22 games like Mr. Gibbs Brown, and come down here and say, "I am
23 not going to answer any questions."

24 Mr. Patterson, under his obligation of his office,
25 is required to cooperate, make full disclosure, and so forth.

1 And that's what a responsibility is. If we are going to have
2 fair elections, and not have people take advantage of the
3 process and use innocent people whom they purport to love,
4 and in the process, to further their own secret agendas, then,
5 we are going to have to run a tighter ship. So, I would hope
6 that this is the last time these books get passed out
7 indiscriminately.

8 When we get stories about books coming back with the
9 same handwriting in all the Affidavits; when we get people
10 stand before us and say they have a hundred books out, and
11 they can't find them, and they're the ones that checked them
12 out; and then the others, who won't even answer the questions
13 about where the Affidavits are, and we know that under the
14 procedures set by the Registrar of Voters, people could go in
15 with the receipt or duplicate, which they received, and vote,
16 and we still don't have the book, and nor do we have the
17 receipt. The door is wide open for fraud, and the whole
18 process of the last election will never be, will always be
19 under a cloud. And the democratic system can't operate that
20 way. And one of the glories, I think, of living in this
21 State, in this City, that we've all felt, was that we couldn't,
22 that the politics was clean; and our elections were conducted
23 honestly; and we looked down at places like Chicago and New
24 Jersey cities, Boston, and other places, where there's a
25 tradition of fraudulent elections, and here we have it right in

1 our midst, just flagrant fraud committed in this last election.
2 It's disgraceful, and it's those who are responsible that pour
3 disgrace on this City. We should never allow it to happen again.

4 CHAIRMAN BARBAGELATA: Thank you.

5 Ms. Bierman, please.

6 MS. BIERMAN (from the floor): I would like to thank
7 you for having me.

8 MR. MOMBOISSE: May we have you sworn, please.

9 SUE BIERMAN,

10 appearing as a witness before Board of Supervisors Special Select
11 Committee on Voter Fraud, who, being first duly sworn by the
12 Clerk, testified as follows:

13 EXAMINATION BY MR. MOMBOISSE:

14 BY MR. MOMBOISSE:

15 Q May we have your name for the record, please?

16 A Susan Bierman.

17 Q I understand there has been a death of a very close
18 friend of yours.

19 A I appreciate you told me. I didn't need a comment.

20 [But, this is a very heavy thing, when you get that
21 letter from you people. That's a very heavy thing. I have
22 lived through -- I will answer your questions, but I want to
23 tell you, if my friend Franklin Brown was here, and when you --
24 I would take the Fifth. I am afraid to take it now, because
25 I don't have him now, but if I had an attorney, I would be

1 taking the Fifth, and whatever the hell else there is that you
2 take. Because I truly feel that you are in a dangerous process.
3 I felt it when you formed the Select Committee, and I think
4 your investigator knows I feel that way, that these are things
5 for the District Attorney. These are things, if you say, for
6 the Grand Jury. But, they are things to do if there is some-
7 thing wrong. Do it in a legal fashion. Because, when you get
8 into this game building, John, you know who's sitting on that
9 side of the room, you know who's sitting on this side of the
10 room. It's the vote counters for you and the vote counters
11 for George, and you know that. And it can get into a pilloring
12 position, and I feel pillored. You didn't do it, and Supervisor
13 Nelder didn't do it.

14 When I was here the other day, I understand why you
15 didn't ask me. I didn't think you thought I was fraudulent.
16 But I am here, and I want it known that I think it's a dangerous
17 process. I think Gibbs Brown didn't do a good job in voter
18 registration. We had Mike Mason, who's an expert, and ours
19 came out a little better. And I think Gibbs was under the gun
20 of -- I didn't know him. I met him afterward having a drink
21 with Frank Brown. Never met him before. Didn't meet him in
22 our registration drive. But he's a sincere young man, and
23 he's in trouble because he made some mistakes. And he couldn't
24 talk here.

25 I lived through the Unamerican activity here, in the

1 chamber, and I tried to stop them, and I tried to bring order
2 out of chaos, before those kids got washed down the stair. I
3 went to the Mayor, I went to the City Hall, and that's what
4 things build into if you let it be in the political arena.

5 Do it in the legal arena. Don't let the political --
6 it's dangerous for elected people to get into that kind of thing.

7 MR. MOMBOISSE: We have tried to keep politics and
8 personalities out of this. Now, may I have your statement
9 for the record?

10 (Ms. Bierman hands document to Mr. Momboisse.)

11 MR. MOMBOISSE: Thank you very much. May we have
12 this marked as No. 24.

13 I have no further questions.

14 THE WITNESS: Included in that --

15 MR. MOMBOISSE: You were the Treasurer?

16 THE WITNESS: I would like to say that, included in
17 it, I have a few more remarks about our drive, included in it.

18 CHAIRMAN BARBAGELATA: Just one second.

19 (Addressing Mr. Momboisse): Do you have any questions
20 at all?

21 MR. MOMBOISSE: What?

22 CHAIRMAN BARBAGELATA: You have no further questions?

23 MR. MOMBOISSE: No further questions.

24 I would like to say that the Coalition has cooperated
25 with us very much in the hearing.

1 CHAIRMAN BARBAGELATA: That's basically what we
2 wanted.

3 THE WITNESS: In it, I want to explain the last two
4 pages, our Contributor Card and our letter to (unintelligible)
5 who is here, and would be happy to explain whom we mailed it to.

6 SUPERVISOR FRANCOIS: I haven't seen it.

7 THE WITNESS: Doug Engman, Sue Bierman signed it.

8 QUESTIONS BY THE COMMITTEE:

9 BY SUPERVISOR FRANCOIS:

10 Q Now, I noticed that you have a number of candidates
11 who belong to the Coalition.

12 A I don't think we had candidates that belong. We had
13 candidates who contributed from our fund-raising letter.
14 Supervisor Kopp, Supervisor Pelosi, Supervisor Gonzales and
15 Supervisor Molinari.

16 Q Milk?

17 A And Harvey Milk.

18 Q Well, we were told last time that the Milk campaign
19 was a member of the Board.

20 A They probably were.

21 Q And the Lahr campaign was a member of the Coalition.

22 A That's correct.

23 Q So, you did pick out certain campaigns?

24 A No. They picked us out.

25 Q Didn't you invite any other campaigns to join the

1 Coalition?

2 A Supervisor, an aide of yours came to one of our
3 Coalition meetings, Barbara Rubin came to our meeting when we
4 had really the largest turnout of people who were interested
5 in registration. Barbara got offended at something; somebody
6 made a crack and it wasn't complimentary to you, Supervisor,
7 and Barbara got annoyed and didn't come back.

8 Q I'm sure there were cracks that were made that were
9 not complimentary.

10 A Right.

11 Q The point is that people were supposed to be registering
12 on an objective basis for all. They are suspect when they have
13 candidates' campaigns as part of the effort. And you did, I
14 notice you have listed here the Robert Covington --

15 A Was he running for office?

16 Q No. Lorraine Lahr, Harvey Milk.

17 A (Witness nods head.)

18 Q Supervisor Molinari, Supervisor Pelosi --

19 A Well --

20 Q Now --

21 A It's all there. True, they gave money, and . . . I
22 mean, that's that. I don't think that's breaking the law, so . .

23 Q There's a, there was a press release the last time that
24 Senator Moscone's office gave \$5,000.

25 A I don't know the details of that, Supervisor. I can't

1 answer.

2 SUPERVISOR FRANCOIS: May I have the Exhibit.

3 THE WITNESS: That came to the San Francisco Voter
4 Registration; that did not come to our office.

5 CHAIRMAN BARBAGELATA: Supervisor, what do you want?

6 SUPERVISOR FRANCOIS: No. There was a press release
7 issued by the Coalition which said that Senator Moscone
8 contributed \$5,000 to the Coalition.

9 THE WITNESS: Well, Supervisor, you will never find
10 a check from Supervisor (sic) Moscone. If some friend of his
11 gave money to the San Francisco Voter Registration Drive, I
12 don't know those details.

13 SUPERVISOR FRANCOIS: No. This press release said
14 it was to the Coalition.

15 THE WITNESS: No, it didn't say that.

16 SUPERVISOR FRANCOIS: Well --

17 THE WITNESS: I don't have the press release.

18 MR. MOMBOISSE: I think the previous testimony
19 clarified the error in the press release, which was to the
20 effect that the 5,000 had, in fact, been contributed to the --
21 not to the Coalition, but to the group that was making the --

22 SUPERVISOR FRANCOIS: That was the testimony, but
23 I'm speaking of the wording of the press release.

24 SUPERVISOR NELDER: Do we have a copy of that?

25 MR. MOMBOISSE: The press release?

1 THE WITNESS: Mr. Welch would know what it said. I
2 don't know what it said.

3 SUPERVISOR FRANCOIS: Well, we have a copy of it.

4 CHAIRMAN BARBAGELATA: We are getting to it.

5 MR. MOMBOISSE: I believe the press release did
6 indicate that in the reading of it, Supervisor, but it was
7 clarified by previous testimony, that it was in error, in so
8 indicating.

9 SUPERVISOR FRANCOIS: All right. Now, let me ask you
10 this:

11 Q The 35 cents you got to register voters came from
12 the same organization which got the \$5,000; is that correct?

13 A Supervisor, we didn't get the 35 cents. I think my
14 financial statement, if you take a little look at it, will be
15 self-explanatory, that we collected something beyond \$2,000,
16 all our money from the Coalition went for rent, for paying an
17 aide, to Mike Mason's expenses -- he got \$50 a week -- paying
18 for some precincting, because part of the signatures, with the
19 35 cents, was being done on a precincting basis, in terms of
20 who would help pay for the 35. But we never had the 35 cents,
21 Supervisor. That was Mr. Jaicks' drive. That was his bank
22 account. It was kept completely separate.

23 Q Well, as I understand the process, you helped form
24 the Coalition to Register 100,000 People.

25 A Yeah.

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21 Supervisor. That was Mr. Jaicks' drive. That was his bank
22 account. It was kept completely separate.

23 Q Well, as I understand the process, you helped form
24 the Coalition to Register 100,000 People.

25 A Yeah.

1 Q And you went out and you got voluntary registrars?

2 A Yeah. Could I -- well, could I explain that,
3 Supervisor? Because that's what the point of the whole thing
4 is.

5 We all have learned, certainly this year, we learned
6 that you get, you get a lot of mistakes when people are having
7 to do it for 35 cents, and it's not the same motivation. So,
8 the people who formed the Coalition for 100,000 Voters, the
9 list is there of people who started with the initial money:
10 Bernal Heights Neighborhood Association, Haight-Ashbury Council;
11 a lot of -- San Francisco Tomorrow -- are people who care about
12 issues.

13 Now, I know that all you three supervisors and myself
14 agree and disagree on many issues, but people who care about
15 issues, care; and the only way -- and you know that I started
16 in '59 with it -- that you work on issues and you help
17 politicians --

18 Q And candidates.

19 A -- and you help the candidates, and there's no other
20 way to save the world, no other way. There is no other way to
21 get anything, except to work on issues and candidates.

22 Q Trying to (unintelligible) something out of you.

23 A Rarely; really, rarely.

24 Q Now, here's the press release dated October 13
25 (indicating): "In early July, the Coalition sent out urgent

1 letters for financial support to all candidates and political
2 parties" -- incidentally, I didn't get one.

3 A I'm sure you did, sir. I would presume you did,
4 because we didn't miss anybody who we thought would give \$10.

5 Q Well, you just said that Barbara Rubin from my
6 campaign came.

7 A She was there. She got angry.

8 Q There were derogatory things said about me.

9 A Only one little crack. It wasn't bad.

10 Q -- "for financial support to all candidates and
11 political parties."

12 Now, there is a letter from the Coalition, to assist
13 the Coalition in registering voters.

14 "In short, the Coalition would fund the
15 program it wanted the City to fund. 35 cents
16 would be paid for every valid registration, and
17 a City-wide drive would occur. Three incumbent
18 Supervisors, Gonzales, Molinari and Kopp, made
19 contributions totaling a hundred and seventy-five
20 dollars. Supervisorial candidates Harvey Milk
21 and Lorraine Lahr both contributed a hundred
22 dollars each. The Mayoralty candidates were
23 less forthcoming. Senator Moscone contributed
24 \$5,000. All others refused the Coalition's
25 request."

1 A Well, if it says that, it's in error, because he did
2 not. I know that any money -- I mean, the money that we got
3 is written down, and that's not from the Mayor. I do know that.
4 I know that Mr. Jaicks raised money, and certainly, he's got up
5 into the figures that were high enough to include a, you know,
6 to include the fives and the ten thousands. We got up to
7 two thousand.

8 Q And that was the money that you used to pay the 35
9 cents?

10 A We did not use any of the money. There is one small
11 figure there of \$36 and something, where we paid -- (addressing
12 a member of the audience:) Was it a nickel?

13 We added a bonus of the five cents in the Western
14 Addition. It was to total off the books to have a person be
15 paid an even ten dollars, when they did a book, and we did
16 that the last couple of weeks. For the campaign, for a couple
17 of people who were registering there, and those, the only
18 bonus. That's the only money of ours that went toward the
19 paying of people.

20 Q Well, I'm not speaking of the bonus, but what I am
21 suggesting is that, in even listing people to register voters,
22 the Coalition told them they would get 35 cents.

23 A That's true.

24 Q And the 35 cents that you were referring to was to
25 come from Mr. Jaicks' operation?

1 A That's true.

2 Q And that was a partisan operation.

3 A No, it was not. It was the San Francisco Voter
4 Registration Drive. It was not done by the County. Well,
5 it technically --

6 Q Are you really saying that was not a part of an
7 operation?

8 A Well, technically and legally it was done to the
9 San Francisco Voter Registration, which is a legal thing to do.

10 Q Well, now, look. One of the other witnesses who
11 appeared for the Coalition explained that the reason that the
12 money went to Mr. Jaicks' organization, rather than to the
13 Coalition, was that there were a lot of people who wanted to
14 contribute to a partisan effort, and that's why it was funneled.

15 A Well, I didn't raise any of that money, Mr. Supervisor,
16 so I don't know how they raised it.

17 But I would like to interject here about voter
18 registration and why people do it.

19 I mean, I am not going to play games, of having it
20 break down to partisan lines. But it also breaks down to
21 neighborhood lines; it also breaks down to a map. I wish we
22 had a voter registration map here, because when you do a
23 demographic study about who loves trees, and who hates capital
24 punishment, and who cares about civil rights --

25 Q I wish -- (unintelligible) --

1 A No, I can't, because I have been in it too long, and
2 I know it.

3 Yes, it's okay. I am saying it for the record.

4 Q When you were out here observing that House
5 Unamerican Committee, I was appearing on behalf of a witness.

6 A Yeah. Well, I was raising the money to pay for it.
7 So, Supervisor --

8 Q I was working without fee.

9 A I am trying to explain that when people are registering
10 voters, because of what they care about, often the people I work
11 with, it will fall on partisan lines; it will fall in the Haight-
12 Ashbury; that's where we need to register the voters. The thing
13 that I have worked the hardest for, including freeway fights,
14 saving Sutro Forest -- you name it -- is still all the same
15 neighborhood that helps you. So, that was my motivation.

16 And it was when they named a hundred thousand voters,
17 I had a fit, because I knew we couldn't register a hundred
18 thousand voters, and I don't like to over-estimate. But, the
19 rolls in this City, in the neighborhoods where our registration
20 of the things that I care about has been important, were down.
21 The rolls were down a hundred thousand. That's where the name
22 came from, and the point of it all was to get people registered.

23 Now, Supervisor, I have registered people since '59.
24 Then, I met a lot of young people, and they now go out and do it.
25 I got to keep the books this time.

1 Q You will have to admit that some of the people that
2 were involved also direct their fire at Blacks who they consider
3 arrogant, who won't dance to their tune.

4 A Rarely, Supervisor.

5 Q Like Terry Francois.

6 A Rarely, Supervisor.

7 Q That's not been my experience, but, at least, it
8 doesn't bother me, except when it gets dishonest. Then it does
9 bother me. As long as it's clean and we don't get that many
10 registrations coming back --

11 A Well, Supervisor, in our campaign, the missing books,
12 I spent one full week chasing down people. I was not successful
13 in several cases, two or three. One person had left the City,
14 and another person was bringing me the book. The car got
15 stolen. The things out of the car got turned in to the Boys'
16 Club at Page Street. I got that book. It had one registration
17 in it. That person got to vote.

18 There was a great effort. Any mistakes that were
19 made, as far as I know, in the things that I had to do with,
20 or make, because people made -- make mistakes. I made a mistake
21 registering in December, that last little tiny three-day drive
22 we did. I finally got out and registered. And one woman who
23 was a Republican was a newly naturalized citizen. And I went
24 into Petrini's and got the telephone number and called her.

25 People care, Terry, people care. They've been caring

1 for a long, long time. And to insinuate that it's all falling
2 apart, and that it's the bad guys, now, trying to do -- you know,
3 what they presume or think is good, I don't buy, and I think
4 that, you know, it was a good registration drive. And I'll tell
5 you this: I'll cop to politics. I will cop to it, that I've
6 worked hard for politics, and this is the first time I got the
7 big one, right? This is the first time, and sometimes John
8 has gotten a big one. It's that simple. And I lost, lost,
9 lost, lost, lost. I mean, I'm such a heavy loser in politics
10 that it's a bloody lovely thing to be with the winner, and to
11 try to get to do some of the things that I believe are good
12 for this City.

13 However, they are perceived by others --

14 Q Well --

15 MR. MOMBOISSE: I think we are getting away from
16 this (indicating).

17 BY SUPERVISOR FRANCOIS:

18 Q Well, you will concede that to offer a bounty is
19 to certainly open up the opportunity for --

20 A No, I wouldn't agree with that. I would agree that
21 you should be careful who you pay the 35 cents to. But I
22 wouldn't agree that you shouldn't offer a bounty, at all. I
23 would do anything to get people registered. That's within
24 the law, and that's carefully done, and that's what we did.

25 Q I thought you said at the beginning, in your statement,

1 that you learned a number of things. One of them was pay 35
2 cents. That did produce problems.

3 A I think that you get less -- not less conscientious,
4 but less enthusiastic, in terms -- or less -- I don't even know
5 that I think that, because some of the more, some of them were
6 students who cared a lot, and who cared a lot, but they needed
7 the money. But, I know that you can't -- I know that when I
8 go out -- and I'm a living nut about things -- I know I'm going
9 to get more registrations and I'm going to make them be good,
10 because I want them in there.

11 Q Ms. Bierman, you would do it, and have done it over
12 the years without pay.

13 A That's because I am lucky.

14 Q No.

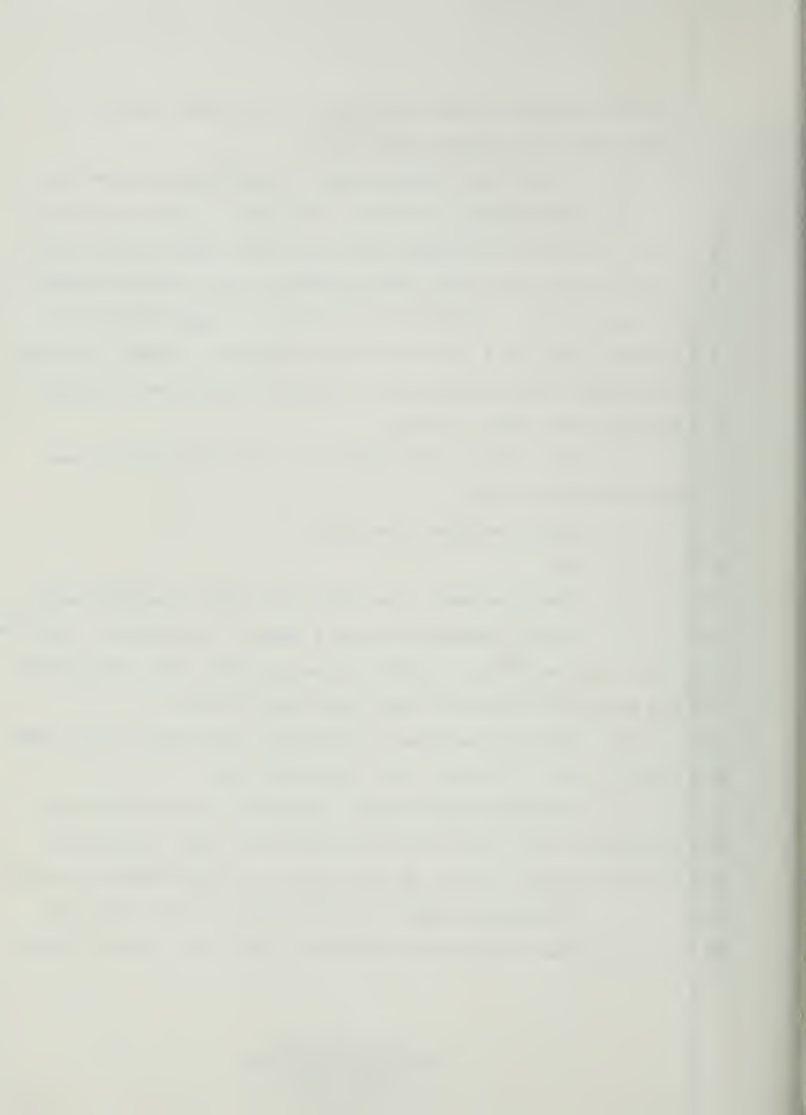
15 A That's because I am lucky, and didn't need the money.

16 Q That's because you have a sense of dedication. But when
17 you start enlisting people indiscriminately and telling them
18 you can get 35 cents for every name that you get --

19 A Well, it was done in the first registration drive that
20 I did in 1967. It was a very successful move.

21 CHAIRMAN BARBAGELATA: Supervisor, we have some more
22 testimony, and I don't want to cut you off, but I would like
23 to kind of stay directly on the subject, if the Committee could.

24 SUPERVISOR NELDER: Mr. Chairman, I would just like
25 to say to Sue Bierman what you said at the outset, that it made



1 you a little nervous to come in here. I would hope that that
2 didn't happen.

3 THE WITNESS: It did happen.

4 SUPERVISOR NELDER: I hope you wouldn't draw the
5 inference from it --

6 THE WITNESS: I did not draw the inference from you,
7 Supervisor.

8 SUPERVISOR NELDER: Actually, I will repeat again what
9 I said earlier.

10 I came in here with a completely open mind, hoping
11 that you would offer some way that we could just do it a little
12 better.

13 THE WITNESS: I can offer it right now. I know where
14 the problem is. We have talked about it a lot this past year.
15 Certainly, in the Fall, you shouldn't come from the Water
16 Department and head the Voter Registration, and you shouldn't
17 come -- I mean, there ought to be a Voter Registration person
18 hired, trained to do Voter Registration. It should be in the
19 Charter. I truly believe that. I think that you know, and you
20 should -- it should require very special skills and somebody
21 should be appointed having special skills.

22 You criticize Voter Registration, but I don't think --
23 I think they did a really good job. We got a lot of people
24 registered, a lot of voters registered. In the recount, they
25 kept us all -- I think that's a good office. I just think that

1 experience was lacking.

2 SUPERVISOR FRANCOIS: Now is the saddest, Mr. Chairman,
3 Ms. Bierman. You apparently had some concern about the fact
4 that you were asked to appear and thought that this was
5 constituted some reflection on you.

6 I think you should know that the reason this came
7 about was that our last hearing, in answer to any number of
8 questions, that we were told, "Well, you will have to ask Ms.
9 Bierman," because she was Treasurer.

10 THE WITNESS: Okay. Well --

11 SUPERVISOR FRANCOIS: And it was because we were told
12 that you were the person to ask.

13 THE WITNESS: Well, I have the figures. That's
14 certainly true. I came voluntarily three weeks ago with
15 Mr. Jaicks, because he was upset to have to come.

16 SUPERVISOR NELDER: Who was that?

17 THE WITNESS: Mr. Jaicks. He's worked hard for a lot
18 of years, and certainly, of all the people in San Francisco,
19 that man has not gotten one thing. All he does is care, and
20 I came with him. And he was willing, personally willing to
21 testify, because -- and the other day, after I heard about
22 last week's hearing, I wanted to be here, really, because the
23 people I worked with in this Coalition care a lot about a
24 lot of things, and I'm proud of them. And I'm glad I worked
25 with them, and it means a lot to me.

1 SUPERVISOR NELDER: Well, Mr. Chairman, I would
2 like to say this: You have been in this field a long time,
3 and let me say, first of all, that I hope you don't go away
4 upset. That's number one.

5 Number two, if, after settling down, if you feel that
6 you do have some contribution to make, Mr. Chairman, I would
7 like to say that Ms. Bierman is certainly invited to come back
8 and --

9 THE WITNESS: I will do that.

10 SUPERVISOR NELDER: But, if there is any reasons in
11 your coming here, any innuendo, at least in my feelings --

12 THE WITNESS: I hope you realize that the word
13 "fraud" -- I mean this: I am not putting on an act. The
14 word "fraud", to be called a fraud, is heavy, and there's no
15 way around it. I mean, once that comes, the little one thing,
16 that I came down and volunteered. But then to be called -- and
17 the word is "fraud" -- this is a Select Committee investigating
18 fraud, and I'm called as a witness, and that's very heavy! And
19 I don't want that ignored. Because that's heavy! And that's
20 what I want you to know, is that it's heavy!

21 CHAIRMAN BARBAGELATA: Thank you.

22 (Witness leaves stand.)

23 MR. MOMBOISSE: May we have David Todd sword as a
24 witness, please.

25 MR. ENGMAN (from the floor): Mr. Barbagelata, I have

1 not been invited to speak. My name is Doug Engman.

2 CHAIRMAN BARBAGELATA: Mr. Engman, you will be able
3 to speak after Mr. Todd. Okay?

4 MR. ENGMAN: Okay.

5 DAVID E. TODD,
6 appearing as a witness before Board of Supervisors Special Select
7 Committee on Voter Fraud, who, being first duly sworn by the
8 Clerk, testified as follows:

9 EXAMINATION BY MR. MOMBOISSE:

10 BY MR. MOMBOISSE:

11 Q For the record, may we have your name, please?

12 A David E. Todd.

13 Q Mr. Todd, I believe you have a map in your possession
14 which I would like to mark as Exhibit No. 25, and ask if you
15 would identify it for us, please.

16 A This is a map of the --

17 Q I see that this has already been marked Exhibit 20
18 by one of the earlier witnesses. Would you identify it?

19 A Yes. This is a map of the City and County of San
20 Francisco, on which we have indicated those spots where the
21 bulk of the registration drive was conducted by members of
22 the Coalition. It's been reviewed by Mike Mason, and Sue
23 Hestor, and they have agreed that this is generally representa-
24 tive of the locations.

25 Q Thank you. This was already introduced as No. 20.

1 Members of the Board might care to look at it.

2 I believe that is an example of the pay sheet
3 previously referred to in Mr. Mason's testimony.

4 A Yes. This is an example of the pay sheet.

5 MR. MOMBOISSE: All right. We will mark that as No. 25.

6 (Whereupon, a document was marked in evidence as
7 Committee Exhibit No. 25.)

8 BY MR. MOMBOISSE:

9 Q In the course of this investigation, did you review
10 the various press releases that had been printed, the various
11 press stories that had been printed with regard to the voter
12 problems in San Francisco?

13 A Yes. All the releases that could be found in The
14 Examiner, The Chronicle, The Progress, and other papers have
15 been reviewed, indexed, gathered together, and a brief has
16 been made of each article. They are contained in this file
17 (indicating), which we can introduce as next.

18 MR. MOMBOISSE: I would like to have that marked as
19 a group, No. 26, please.

20 CHAIRMAN BARBAGELATA: Group 26.

21 (Whereupon, a group of documents was marked in
22 evidence as Committee Exhibit No. 26.)

23 MR. MOMBOISSE: For the purposes of the Board, this
24 will give us a definite chronology of the releases and the
25 information to the public over a long period of time, and would

1 tie in with much of the material that's already been developed,
2 when we develop the chronology and events.

3 Q Now, could you tell us when you began your investigation
4 for this Special Committee of the Board?

5 A On or about March the 15th.

6 Q As a result, in the course of that, did you review
7 the records of the Registrar's Office, City and County of San
8 Francisco?

9 A Yes, we did.

10 Q Did you review them very extensively?

11 A Yes, we did.

12 Q Could you tell us how many Affidavits of Registration
13 were obtained during the 1975 drive?

14 A Approximately 87,500 blank Affidavit forms were
15 issued to Frontlash, to the Coalition, and to other organizations
16 in the registration drive. Not all of these were used, but we
17 estimate that from 65,000 to 75,000 registrations were obtained.

18 Q Now, can you tell, out of that number, how many were
19 new registrations?

20 A Yes. Between June the 11th and October the 20th of
21 1975, there was a net increase in the number of registered
22 voters of 39,915.

23 Between November the 18th and -- Well, oh, I'm sorry.

24 Between that date, between October the 20th and
25 November the 18th, there was an additional increase of 5,839.

1 So, there was a total net increase by November the 18th of
2 45,754.

3 Q In the course of investigating the records of the
4 Registrar, City and County of San Francisco, did you investigate
5 the records pertaining to Deputy Registrars during 1975?

6 A Yes, we did. The Registrar's Office maintains the
7 following records of the Deputy Registrars. There's an
8 application form, an index card which is made up from the
9 application form, and an oath, and an appointment form.

10 Now, we compiled a list of all the Deputy Registrars
11 which were on file in the Registrar's Office, plus, we found
12 on Affidavits of Registration, which we reviewed, the names
13 of other individuals who acted as Deputy Registrars, for whom
14 the Registrar's Office had no record whatever. There was no
15 application for them, no index card, and no other appointment
16 form.

17 Now, this compilation gives us 1146 Deputy Registrars.
18 We found Oath and appointment forms for 866 of them.

19 Now, we tried to take these down as best we could.
20 446 of them were affiliated with the Coalition, plus an
21 additional 135 -- I'm sorry -- an additional 145, who were
22 affiliated with the People's Democratic Club, which was a
23 Delancey Street Foundation voter registration committee. And
24 then, 135 more were affiliated with Frontlash. And then, there
25 are 420 which are affiliated with other groups. This is a total

1 of 1146.

2 Of the 1146, the Registrar's Office has no record
3 whatever of 76 of these. 45 of them used Frontlash Affidavits,
4 which had been issued to Frontlash. 14 used Affidavits which
5 had been issued to the Coalition, and 17 of them used other
6 Affidavits.

7 Q Can you prepare a chart indicating who were the
8 Deputy Registrars during 1975?

9 A Yes. Here's the entire file of Deputy Registrars.

10 (Witness hands document to Mr. Momboisse.)

11 MR. MOMBOISSE: I would like to number this 27.

12 (Whereupon, a document was marked in evidence
13 as Committee Exhibit No. 27.)

14 BY MR. MOMBOISSE:

15 Q Would you please go over the first page and tell us
16 the information that's contained for the Deputy Registrars?

17 A All right. The name of the Deputy Registrar; the
18 fact whether an application is on file; the fact whether an
19 Oath is on file; the organization or affiliation that the
20 Deputy represented; the registration, as a registered voter,
21 of this Deputy, where, as known; and the affidavit number of
22 this registration, and the precinct in which that Deputy
23 registered.

24 In addition, there are notations where the Registrar's
25 Office shows a record that these, that the individual Deputies

1 had completed a class for trainers.

2 (Witness hands document to Mr. Momboisse.)

3 MR. MOMBOISSE: Thank you.

4 Q You have already given us the summary of statistics
5 as indicated by this (indicating)?

6 A (Witness nods head.) Yes.

7 SUPERVISOR FRANCOIS: May I see that?

8 MR. MOMBOISSE:

9 Q And how many Deputy Registrars are listed in this
10 outline?

11 A 1146.

12 Q Thank you.

13 Now, there has been a great deal of testimony about
14 the books.

15 A Let me add one thing here.

16 Q I'm sorry. Go ahead.

17 A I have another breakdown here, which I would like to
18 introduce into evidence.

19 I have the names of those Deputy Registrars on this
20 sheet of paper (indicating), who are affiliated with Frontlash,
21 the 45 of them, of whom the Registrar's Office has no record,
22 whatever.

23 I have the names of the 14 who used the forms issued
24 to the Coalition. I have reviewed these 14 names with Mike
25 Mason and we have searched his record. He has a record of only

1 three of these, which indicates that these books must have been
2 passed out to someone by someone without authority.

3 And I have the names of the authorities -- names of
4 the 17 who used the Affidavit books from different organizations.

5 Q This would be a summary of the material contained in
6 Exhibit No. 27?

7 A That's true.

8 MR. MOMBOISSE: I would like that marked as No. 28.

9 (Whereupon, a one-page document was marked in
10 evidence as Committee Exhibit No. 28.)

11 THE WITNESS: I might add, that of the 45 Frontlash
12 Deputies on that list, 20 are not registered voters.

13 Of the 14 for the Coalition, 7 are not registered
14 voters, and of the 17 others, 8 were not registered voters.

15 BY MR. MOMBOISSE:

16 Q Now, that's registered voters in the City and County
17 of San Francisco?

18 A In the City and County of San Francisco.

19 Q Now, we've heard a great deal of testimony about the
20 Affidavit books of registration. Did you have cause to
21 investigate the records of the Registrar's Office with regard
22 to such books?

23 A Yes, we did.

24 Q Could you tell us what you did, and what your discovery
25 was as a result of that investigation, please?

1 A All right. We discovered that, during 1975, a number
2 of organizations and/or individuals were issued books of
3 Affidavits. A total of 2407, to the best count that we can make,
4 were issued to the Coalition, or the San Francisco Voter
5 Registration Committee.

6 A total, to the best of our ability, of 620 books
7 were issued to Frontlash.

8 And a total of 497 were issued to other groups and
9 individuals.

10 Now, I have here (indicating) a list of the other
11 groups of individuals in alphabetical order. And I will read
12 a few of them: The Bank of America, the Bechtel Corporation,
13 the Department of Motor Vehicles, the Alioto for Mayor Campaign,
14 Gibraltar Savings, et cetera.

15 I would like to introduce this into the record.

16 MR. MOMBOISSE: May we introduce that as Exhibit No. 29,
17 please.

18 CHAIRMAN BARBAGELATA: 29.

19 (Whereupon, a document was introduced into
20 evidence as Committee Exhibit No. 29.)

21 THE WITNESS: Now, according to the running log that's
22 kept in the Registrar of Voters' Office, this totals 3524 books
23 issued.

24 And, according to his log as of December 28th, there
25 were 91 books still outstanding.

1 Since December 28th, additional books have been
2 accounted for, which I will go into next.

3 MR. MOMBOISSE: Very good.

4 This will be marked as No. 29.

5 CHAIRMAN BARBAGELATA: 29.

6 BY MR. MOMBOISSE:

7 Q All right. Do you have a breakdown on the number
8 of registration books that are still missing?

9 A Yes, I do. Now, as of July the 6th, 1976, the
10 following Affidavit books, issued to persons and/or groups
11 is indicated on this sheet of paper, were still outstanding,
12 according to the records of the Registrar's Office.

13 Q Would you give us the totals for the various
14 organizations?

15 A The books issued to Frontlash, there are currently
16 28 books outstanding. And the books issued to the Coalition,
17 there are currently 47 books outstanding. Now, I have the
18 names where all of the Coalition books were charged. These
19 are the records which Mike Mason turned over to the Registrar's
20 Office, and the District Attorney. He is aware of these, and
21 these names are listed here. I only have the names of Gibbs
22 Brown and Michael Ring, to whom the Frontlash books were issued.

23 I do not have the names of to whom Frontlash
24 subsequently passed the books on to.

25 MR. MOMBOISSE: Thank you. May we have this marked as

1 No. 30.

2 CHAIRMAN BARBAGELATA: No. 30.

3 (Whereupon, a document was marked in evidence
4 as Committee Exhibit No. 30.)

5 BY MR. MOMBOISSE:

6 Q In the course of your investigation, did you determine
7 whether or not any errors had appeared on the Affidavits of
8 Registration which were found?

9 A Yes, we found many errors. In fact, the Registrar's
10 Office found errors, and he rejected Affidavits, because they
11 were not complete with the necessary information. We reviewed
12 578 of these Affidavits. There are more (indicating), to give
13 you a breakdown.

14 Q If you would, please, do you have it in the chart?

15 A Yes. It's in the chart.

16 Q Would you give us a breakdown, please?

17 A Now, one Deputy Registrar --

18 CHAIRMAN BARBAGELATA: This is a sample? You are
19 talking about a sample of 500?

20 THE WITNESS: We reviewed 578 registrations which
21 the Registrar's Office had rejected because of error. They
22 are invalid. There are others that they rejected.

23 Well, but anyway, of the 578 that we reviewed, one
24 Deputy Registrar, affiliated with Frontlash, was responsible
25 for 116 of them. All the Affidavits that he took failed to

1 contain any birthdate or citizenship data.

2 67 additional Affidavits submitted by other Deputy
3 Registrars had no place of birth.

4 Over 117 had no citizenship data for those individuals
5 whose foreign birth was indicated on the Affidavit.

6 Four admitted a felony conviction.

7 Six were unsigned by Deputy Registrars.

8 74 were unsigned by the Registrar, himself. There
9 were 81 with non-existent streets.

10 Now, we reviewed these, and found that these streets
11 actually existed in the nearby counties. 33 of them were from
12 Daly City, alone.

13 Then, in addition, there were 25 in which the
14 individual who registered stated that they resided out of
15 County, and many of these were from Daly City, too. Either
16 the people who live in Daly City think they live in San
17 Francisco, or there was a registration drive in that vicinity,
18 where they were not certain as to which county they were
19 registering in.

20 We found many non-existent residence addresses.
21 Some of these were fabrications, and some of them were errors.
22 There was a total of 36 in this category that we reviewed.

23 Then, we reviewed the one book of Affidavits which
24 the Registrar found, and which there were 47 fictitious
25 registrations. We found 22 miscellaneous errors. And this

1 totals 578.

2 Now, all of these that could be precinctd, the
3 registrations from Daly City and the non-existent San Francisco
4 streets, and some of the others, could not be precinctd. But
5 those that could be precinctd were searched to determine if
6 these people had voted. And it was found that 51 votes were
7 cast, even though the Affidavits had been rejected.

8 Now, we assumed that many of these were done by use
9 of the yellow stub receipt, because the Affidavits were not in
10 the Register for many of these when they went to vote.

11 Of these 51, 13 had prior registration, and the
12 registration that was taken was a change. So, that was still
13 in the file.

14 The Registrar has taken steps to correct these
15 errors, and of the 51 who voted, whose Affidavits were rejected,
16 he's corrected 26 of these as of this date. There are still
17 no Affidavits in the Register as of July 6, '76, for seven
18 of the individuals who voted.

19 MR. MOMBOISSE: May we have that -- and we will have
20 it marked.

21 (Witness passes document to Mr. Momboisse.)

22 (Whereupon, a document was marked in evidence as
23 Committee Exhibit No. 31.)

24 BY MR. MOMBOISSE:

25 Q Did this chart also cover the false and invalid

1 registrations that you found?

2 A That chart did not, but I have that separately.

3 But, there's another tabulation I would like to put
4 into the record.

5 MR. MOMBOISSE: Very good. May we have that, please.

6 THE WITNESS: There are many Deputy Registrars that
7 made more than one error, and we made a tabulation of all those
8 who made three or more. There are 21 Registrars in this
9 category that made three or more errors. They are listed on
10 this sheet (indicating).

11 MR. MOMBOISSE: Thank you. Mark that as 32.

12 CHAIRMAN BARBAGELATA: 32.

13 (Whereupon, a sheet was marked in evidence as
14 Committee Exhibit No. 32.)

15 THE WITNESS: Now, we found another source of error
16 when we reviewed the Rosters of Voters. We found many
17 individuals signed a different address on the Roster of
18 Voters than they signed on their Affidavit of Registration.
19 For example, 339 San Carlos Street was on one form, and 399
20 San Carlos was on the other form.

21 We found where 1515 Hudson Street was on the form,
22 and 1516 Hudson Street was on the other form. This indicates
23 to me that these are additional errors that were made in
24 collecting the Affidavit, and this would account, in some
25 respect, for those Voter Handbooks that are returned with the

1 addressee not there, due to the fact that the incorrect
2 address is not correct in the registration.

3 We can introduce that into the record.

4 CHAIRMAN BARBAGELATA: Do you want that, Mr. Momboisse,
5 into the record?

6 MR. MOMBOISSE: Yes, please. That would be 33.

7 (Whereupon, a document was marked in evidence
8 as Committee Exhibit 33.)

9 BY MR. MOMBOISSE:

10 Q Now, what was the next document that you had, that
11 you had prepared?

12 A No, the next thing we did was look into non-existent
13 addresses.

14 Q Very good.

15 A And many of these Affidavits were rejected because
16 they were non-existent addresses, and I brought some of them
17 here, just as an example, and to put into the record. These
18 are Xerox copies, the Affidavits of Registration.

19 This one is 635 Stanyan Street. It's in Golden Gate
20 Park.

21 This one is 741 Stanyan, again in Golden Gate Park.

22 This is 325 Ashbury Street, which is in the Panhandle.

23 This is 1122 Second Avenue, which is in Golden Gate
24 Park.

25 This is 1819 Fell Street, which is in the Panhandle.

1 This is in 10th (unintelligible), Buena Vista Park.

2 This is 411 Elsie Street. The street ends with a 300
3 block.

4 This is 630 Scott Street, which is Alamo Square.

5 This is 446 Polk Street, Apartment No. 7, which is
6 the West Side of the State Building.

7 And so on. There are many of these that we found.

8 MR. MOMBOISSE: I would like to introduce this as 34.

9 (Whereupon, a document was marked in evidence as
10 Committee Exhibit No. 34.)

11 BY MR. MOMBOISSE:

12 Q I believe these were just on a spot-check basis; is
13 that true?

14 A Those were the ones that the Registrar's Office
15 found and rejected as invalid because he could not re-precinct
16 them. Those addresses are not in the precinct book. There
17 are others, such as vacant lots, which would be precincted and
18 were filed.

19 Q All right. Now, what was your next step in the
20 investigation? What was the results of it?

21 A We took specific examination from these, where there
22 was a non-existent address, and we reconstructed books,
23 submitted by Deputy Registrars, and I understand that once a
24 book is turned in, the Affidavits are pulled from the book,
25 and they are filed in the various precincts.

1 So, one book of 25 Affidavits, may go in 25 different
2 precinct books.

3 So, we had to recover all the Affidavits, which one
4 particular Deputy Registrar had made.

5 And, in order to see what his work was, we could
6 reconstruct it, two books of one Deputy Registrar associated
7 with Frontlash.

8 And then, we mailed inquiries to all the persons that
9 he had registered. Of this mailing, there were four forgeries,
10 according to people that we had written letters to. 18 of the
11 letters were returned, "No such number." Two were returned as
12 "Addressee unknown." 34 were returned, "Not deliverable as
13 addressed." And four had moved and left no address.

14 Q Mr. Todd, is that out of how many books?

15 A Out of three books.

16 Q That's out of 75?

17 A 75. Total 62.

18 Q That gives us a total of how many that were rejected
19 out of the total submitted by that particular Deputy Registrar?

20 A 62 out of 75. That accounts for it.

21 Q And four of those were forgeries?

22 A Four were forgeries. Four were known forgeries. We
23 are suspicious of the rest of them.

24 Q Now, this matter was referred to the District Attorney?

25 A This was referred to the District Attorney.

1 Now, we had a similar case with another Deputy
2 Registrar affiliated with Frontlash. In one book, we found
3 two of them were valid. Four of them were returned, "No such
4 number." Seven were returned, "Not deliverable as addressed."
5 Five were returned as non-existent addresses.

6 These have been referred to the District Attorney.

7 And we found a third Deputy affiliated with Frontlash,
8 we did. We went through the same procedure. Four of these
9 were valid. Three had no such number. Five, the addressee
10 was unknown. 12 were returned, "Not deliverable as addressed."
11 Two had moved and left no address. That was one book. This
12 was referred to the District Attorney.

13 Q That's a total of 24 out of 25 Affidavits that were
14 rejected?

15 A Let's see.

16 (Pause while witness examines document.)

17 THE WITNESS: That totals 26. That must be two books.
18 That's two books.

19 BY MR. MOMBOISSE:

20 Q Any other instances of fraudulent Affidavits?

21 A Yes. There's one who was affiliated with Asians for
22 Citizens Participation, which was a coalition organization, who
23 registered an individual whose will subsequently advised us
24 that this was, that he had been deceased for over a year, and
25 he was registered during 1975.

1 Then, there's another one, registered by an individual
2 affiliated with the White Panther Party. We interviewed the
3 registrant, and he stated he did not sign the Affidavit, himself.
4 It's a forgery.

5 Q Now, this investigation by you was really a spot-
6 check all the way?

7 A No. We could not cover it all.

8 Q That would be quite an expansive job, would it not,
9 Mr. Todd?

10 A It would be a tremendous job.

11 MR. MOMBOISSE: Can we mark that as No. 35?

12 (Whereupon, a document was marked in evidence as
13 Committee Exhibit No. 35.)

14 BY MR. MOMBOISSE:

15 Q Now, what was the next area of investigation by you?

16 A We compiled a list of those Deputy Registrars whose
17 Affidavits contained things similar to this, "No such address,"
18 non-existent streets, et cetera.

19 I have that list in here, which we could introduce
20 into evidence.

21 11 of them are Frontlash Deputies. Four of them were
22 affiliated with the White Panther Party, and the others were
23 affiliated with the various other groups.

24 (Witness hands document to Mr. Momboisse.)

25 BY MR. MOMBOISSE:

1 Q Did you have cause to make a search to determine
2 whether or not there had been any votes cast when the Affidavits
3 of Registration was not on file in the precinct?

4 A Yes. We made a thorough survey of that.

5 Q Would you please give us the details of that survey,
6 and the manner in which it was conducted?

7 A We reviewed the rosters of 76 precincts. 16 of them
8 were the (unintelligible). 35 were in the 17th Precinct, and
9 25 of them were in the 18th Precinct. This represents 16 of
10 the --

11 CHAIRMAN BARBAGELATA: Mr. Todd, you mean Assembly
12 District?

13 THE WITNESS: Assembly District. I'm sorry. Assembly
14 District.

15 CHAIRMAN BARBAGELATA: This is Item 36, for the
16 record? (Indicating.)

17 MR. MOMBOISSE: Yes. 36, for the record.

18 (Whereupon, a document was marked in evidence
19 as Committee Exhibit No. 36.)

20 THE WITNESS: In the 76 precincts that represent
21 16,000 voters, or eight percent of the actual voters in the
22 December 11 election, these were compared with the electronic
23 data processing index to the registers for these precincts,
24 with the following results:

25 We found Affidavits in the registers for all -- I'm

1 sorry -- not what we found -- with the names listed on this
2 index to the register to all but 11 of those.

3 We found Affidavits for others. For instance, we found
4 four Affidavits in other precincts, which meant that four of
5 these individuals were permitted to vote in one precinct when
6 their Affidavit was actually in another precinct.

7 We found two Affidavits among those which had been
8 rejected by the Registrar because of error, indicating that
9 they had voted with the yellow stub receipt. One voter's
10 Affidavit had been cancelled in the 1974 purge, but he
11 persuaded the election officials to vote, anyway.

12 One voter, I located, and interviewed, and he had
13 his election stub receipt in his possession, which showed to
14 me there are two that we did not locate who voted, whose
15 Affidavits were in the register. And there is one illegible
16 signature that we could not match with the Affidavits.

17 So, I would have to conclude that it does not look
18 like there was abuse of the regulation permitting individuals
19 to vote with yellow stub receipts.

20 MR. MOMBOISSE: Thank you.

21 May I have that?

22 (Witness hands document to Mr. Momboisse.)

23 MR. MOMBOISSE: That is No. 37.

24 CHAIRMAN BARBAGELATA: 37?

25 MR. MOMBOISSE: 37.

(Whereupon, a document was marked in evidence as
Committee Exhibit No. 37.)

SUPERVISOR FRANCOIS: Can I interrupt for a moment?

THE WITNESS: Here is the backup material for that.
Here is the names of the individuals, and here is a list of
the precincts we reviewed (indicating).

MR. MOMBOISSE: Very good. This will go in as part
of 37.

(REPORTER'S NOTE: No Exhibit 36 was marked.)

CHAIRMAN BARBAGELATA: Supervisor Francois?

THE WITNESS: One moment, please. Could I introduce
this, first? Those are the names of the 51 persons who voted,
whose Affidavits were rejected because of error. That should
be part of that last one (indicating).

MR. MOMBOISSE: It will be marked as 38.

(Whereupon, a document was marked in evidence as
Committee Exhibit 38.)

THE WITNESS: Supervisor Francois?

SUPERVISOR FRANCOIS:

Q 37 in evidence, which is the random sample of
Affidavits which you had selected and checked and determined
that these people, I think four, claimed they were forgeries,
and they were all invalid, in one way or another. In other
words, none of these people were actually registered?

A No, sir. Affidavits did not go into the file. No,

1 they did not.

2 They were not precincted, and were not filed, and
3 no votes were cast in those names.

4 Q But none of them were valid registrations?

5 A No. They are not valid registrations, because they
6 are non-existent addresses.

7 Q All right. Now, I counted 25.

8 A Yeah. There are more.

9 Q That is as far as --

10 A There are more.

11 Q And there is a notation as to who they are issued to?
12 I counted 14 of those 25, more than half were issued to Mike
13 Mason of the Coalition. And I would just like to point that
14 out for the Committee, because it's been suggested that there
15 were no irregularities in connection with the Coalition's
16 registration drive. But, 14 of those 25 Affidavits which
17 were all false, discovered by the Registrar, some were forgeries,
18 14 of the 25 were issued to the, at least according to the
19 notation on the Affidavit, that is what Mike Mason of the
20 Coalition --

21 (Simultaneous discussion.)

22 MR. MOMBOISSE: Continue, please.

23 THE WITNESS: That's all I had with regard to --

24 Oh, I have some concern on the failure to compare
25 signatures. That's all I have on the Affidavits in the file.

1 MR. MOMBOISSE: You made a checking of the precinct
2 rosters?

3 THE WITNESS: Yes. We reviewed the rosters of voters
4 for this, at 186 precincts. 16 -- or 93 of them were in
5 the 16th Assembly District. 66 were in the 17th Assembly
6 District. 27 were in the 18th Assembly District.

7 BY MR. MOMBOISSE:

8 Q And what were your results of that?

9 A Now, we found many repetitive errors on these Rosters
10 of Voters. Names were printed on the Roster instead of being
11 signed. Husbands or wives signed for both. The Rosters did
12 not contain the address as required, or the address on the
13 Roster was different from the address on the Affidavit. In
14 several precincts, there were from one to three more ballots
15 in the box than there were names on the Rosters. The precinct
16 official explained this by stating they believed persons voted
17 without signing the roster. We cannot refute this explanation.
18 And there were many illegible signatures.

19 Now, of the 186 precincts that were reviewed, we
20 have found many signature discrepancies. There were 116 for
21 which there was no address on the Roster. There were 13 for
22 which the address was different than on the Affidavit. And
23 there were 333 where the signature on the Roster, as compared
24 with the signature on the Affidavit, was questioned.

25 Now, of these 333, 28 had been signed by a husband for

1 a wife, for both people.

2 Anyway, and then -- or in many of them, the name
3 was printed on the Roster instead of the Affidavit.

4 But, anyway, first we had a handwriting expert review
5 the questioned signatures. He eliminated many of them. He
6 felt they were signed by the same person. There really was
7 no question. He boiled this down to 61 that he (unintelligible).
8 22 of these were 1975 registrations; 38 of them were prior
9 registrations.

10 We sent a mailing to all 61 of these individuals,
11 asking them whether or not they had written the signature,
12 and then we had 39 more that were printed to make it about an
13 even hundred.

14 70 of the people that we mailed to, responded to our
15 inquiry. Of the inquiry, we found only one person who stated
16 that they had not voted, and someone else had voted for them,
17 and signed their name.

18 However, there were four that had moved and left no
19 address. We could not locate them. These are still in question.

20 Four voters stated they voted at the precinct, but
21 someone accompanying them, or someone at some precinct, official,
22 had signed the Roster for them.

23 Now, of the 23 registrations which were 1975
24 registrations, one had moved and left no address. Five failed
25 to reply. In 17 -- and 17 advised that they had voted and had

1 signed the Roster.

2 This would have to conclude that there was no evidence
3 of a substantial number of persons who voted by forging the
4 name of a registered voter, as a result of this survey.

5 However, at least one did in the precinct that we
6 reviewed.

7 CHAIRMAN BARBAGELATA: Excuse me, Mr. Todd. We will
8 have to go off the record for a second.

9 (Short recess taken at 11:35 a.m.)

10 CHAIRMAN BARBAGELATA: Back on the record.

11 BY MR. MOMBOISSE:

12 Q Mr. Todd, I believe that a Jury Commissioner mailing
13 resulted in a very substantial number of letters being returned.
14 Did you use this as a basis for any investigation?

15 A Yes. We felt this was a good sampling to acquire
16 into. Now, on November the 14th, the Jury Commissioner mailed
17 letters to 10 percent of the registered voters on the rolls
18 at that time. This was 30,000 letters mailed. More than 10
19 percent of these were returned as undeliverable. 3500 letters
20 came back. And, inasmuch as we were primarily interested in
21 the 1975 voter registration drive, we searched these 3500
22 letters and found that 502 of them were 1975 registrations.

23 Of the 502, we searched these names against the
24 rosters of the December 11 election, and it was found that 48 of
25 them voted at the polls. There were some others that voted

1 absentee, but we did not include them in the survey. But, of
2 the 48 who voted at the polls, we found that 32 of them had
3 moved and re-registered at a new address. And their Affidavit
4 of Registration had been corrected. 11 of these individuals
5 were actually residing at the address, but the letter was not
6 delivered to them, for one reason or another. Four of the
7 letters were incorrectly addressed, due to the mailing. One
8 individual had moved out of the County, and we do not know
9 the date that he had moved out of the County. But, if it's
10 beyond a 30-day limit, why, there was a possibility of a
11 fraudulent vote here.

12 Two. Four had moved, leaving no forwarding address,
13 and two of these were addressed to downtown hotels.

14 Now, of the 454 that did not vote, these will include
15 many who moved and did not re-register, and had no intention of
16 voting. It will include some errors in addresses made by
17 Deputies at the time of registration. It will include some
18 addresses in addressing the Jury Commissioner letter. And it
19 will include some false registrations.

20 But, we have no way of estimating the number of false
21 registrations, although we do have evidence of some. Two of
22 them were returned to us marked, "This person does not live
23 here, and never did." And the other was marked, "Has not lived
24 here since at least 1973." The person registered from that
25 address in 19 -- from that address in 1975.

1 MR. MOMBOISSE: Mark that as 40.

2 (REPORTER'S NOTE: No Exhibit 39 was marked.)

3 (Whereupon, a document was marked in evidence as
4 Committee Exhibit No. 40.)

5 BY MR. MOMBOISSE:

6 Q In the course of your investigation, did you find any
7 instances of fraudulent voting?

8 A Yes. We identified eight instances where there's
9 probable cause to believe that a fraudulent vote was cast, and
10 these have been referred to the District Attorney for
11 investigation.

12 Four of these were duplicate voting by absentee ballot,
13 and at the precinct, both. One was the individual -- that we
14 developed in a survey -- stated that she did not vote, and
15 someone else voted her name. Another one is apparently a
16 duplicate voting from one precinct. And one is an interesting
17 incident.

18 The person was registered at a bona fide address
19 in the Avenues. In fact, there were two of them, representing
20 themselves to be husband and wife. They came in and voted at
21 the precinct, giving their address at a valid address, voting.
22 Then, the individuals who lived at that address subsequently
23 advised us that these individuals had never lived at that
24 address and had used it only to register to vote, and apparently
25 voted fraudulently. We have not identified these people. We

1 know the names under which they voted, but they could be
2 fictitious names.

3 Q In all those instances where any potentially criminal
4 charges existed, were those referred to the District Attorney's
5 Office?

6 A All of them, yes.

7 Q Very good.

8 A Now, there is one thing I would like to mention. You
9 can see from this that it's very difficult, in view of the
10 fact that that person can file a Affidavit of Fictitious
11 Address and go in and vote that address, vote that name. These
12 are difficult to detect, and once detected, it's difficult to
13 identify the person and prove that the person did commit this
14 fraud.

15 Therefore, we need all the preventative controls that
16 can be reasonably adopted to prevent this from being perpetrated
17 in the first place. It doesn't seem unreasonable that a person
18 registering to vote should exhibit some identification to prove
19 that he is a real person before the Affidavit is executed.

20 Q Now, you were familiar with the sample ballot mailing
21 put out by the Registrar's Office this year?

22 A Yes.

23 Q And returned?

24 A Yes.

25 Q Have you had a chance to conduct any investigation

1 based upon the results of that mailing?

2 A I have done a little, but, in view of the fact that
3 the process is still going on at this point, there is not a
4 great deal that can be done until the process is completed.

5 Q Now, do you have any suggestions as to the manner
6 of investigation, based upon what you have seen returned?

7 A I feel that it's very important that all those which
8 they suspect of being false registrations should be searched,
9 not only against the 1966 primary roster of voters, but also
10 go back and check them against the November and December 1975
11 elections, and determine if fraudulent votes were casted in
12 the names of these false registrations.

13 Q Was any other material covered in the course of your
14 investigation?

15 A I think that covers it, pretty much.

16 MR. MOMBOISSE: No further questions.

17 CHAIRMAN BARBAGELATA: Supervisor . . .?

18 SUPERVISOR FRANCOIS: Well, in view of the suggestion
19 that was made about requiring proof, some form of proof of
20 identity, where the person voting is unknown to the precinct
21 worker, I would like to ask Mr. Patterson whether any thought
22 has been given to doing that.

23 MR. PATTERSON (from the floor): Voter identification
24 at the polls at the time of voting?

25 SUPERVISOR FRANCOIS: Yes. I am assuming that most of

1 the people who voted, and most of the polling places are known
2 to the people that are actually, at least, one of the persons
3 who's working.

4 A No, that's a rare case. Usually, in the residential
5 neighborhoods, that may be the case; the stable, low-density
6 residential neighborhoods, that may be the case. But, usually,
7 the election workers don't know the voters, not authorized
8 under the law to require identification at the polls. In fact,
9 even if a person is known, or is suspected to live outside the
10 precinct, the precinct worker still can't ask for identification.
11 The only thing they can do is to require the person to take an
12 Oath that he is who he says he is, and lives where he says he
13 lives. There's an Assembly Bill, I think it's still active --
14 I don't think it's been passed, or killed in Sacramento, right
15 now, to put a provision in the law to require a voter, if he
16 is unknown to the precinct worker, to identify himself or
17 herself at the polls.

18 SUPERVISOR FRANCOIS: Well, what troubles me is that
19 the Legislature has passed this Postcard Registration Bill --
20 which, incidentally, this Board opposed, as I recall --

21 MR. PATTERSON: Yes, it did.

22 SUPERVISOR FRANCOIS: And so that, now, the workers
23 out at the precincts won't even have a duplicate Affidavit;
24 where, at least they could take a look at the signatures and
25 see if they look alike, they will have nothing.

1 MR. PATTERSON: That's true.

2 SUPERVISOR FRANCOIS: The person will walk in and say,
3 "I am Jim Jordan," and they will just have to accept his word
4 on that. And we know now that a lot, there's a lot of people
5 who, if they don't feel they are going to be detected and
6 identified, don't have any hesitancy about making a false
7 Affidavit. And with all of these efforts that are being made
8 to plug the loopholes, I think the State Legislature is opening
9 up a brand-new one.

10 MR. PATTERSON: Yes. Although, I kind of doubt the
11 actual usefulness of having the original signature on the
12 Affidavit at the polls. I don't know of anyone who has ever
13 been denied their vote because their signature wasn't the same
14 as the Affidavit. And there have been several people who have
15 gone into the polls and impersonated people who are registered.
16 And they signed the Roster and the signatures were supposedly
17 compared, and they were allowed to vote, even though the
18 signature was different.

19 SUPERVISOR FRANCOIS: Yes. We have some instances
20 where they later find it out, when the right person came out.

21 MR. PATTERSON: Yes. I remember a case like that
22 in the Tenderloin a few years ago.

23 SUPERVISOR FRANCOIS: It happened out in our section.
24 On the canvass of voters, they found out it happened.

25 MR. PATTERSON: I don't recall it happened then, but I

1 wouldn't be surprised. Yes. But, the main effect, the main
2 positive effect of having the signature at the polls is that
3 it's a deterrent to anyone who would want to come in and
4 impersonate a voter. If anyone has in mind that they might
5 want to do that, the signature is there at the polls, and they
6 think, "Maybe I will be caught because of this." So, if the
7 signature isn't there, we will find it harder to catch him.

8 CHAIRMAN BARBAGELATA: Supervisor, do you need Mr.
9 Todd anymore?

10 SUPERVISOR FRANCOIS: No.

11 CHAIRMAN BARBAGELATA: Mr. Engman, you want to make a
12 statement?

13 MR. ENGMAN: (from the floor): Yes, Supervisor. My
14 name is Douglas Engman.

15 THE CLERK: Just a moment.

16 (Supervisor Nelder left the room at this point in
17 the proceedings.)

18 DOUGLAS ENGMAN,
19 appearing as a witness before Board of Supervisors Special Select
20 Committee on Voter Fraud, who, being first duly sworn by the
21 Clerk, testified as follows:

22 THE WITNESS: I'd like to make a statement. My name
23 is Douglas Engman. I am President of the Stanyan-Fulton Street
24 Neighborhood Association. I was Chairperson of the Finance
25 Committee of the Coalition to Register 100,000 Voters.

1 And I want the record to know that I came here
2 voluntarily. I was not invited by the Committee, but I felt
3 that my testimony might be useful, you know, to the Committee
4 in clarifying some questions that the Committee had at prior
5 hearings, and also a couple of things that were stated today.

6 In reference to the origins of the Coalition to
7 Register 100,000 New Voters, the Coalition was formed back in
8 the Winter of 1975 by a group of organizations and individuals
9 who were interested in developing political power for neighbor-
10 hoods and communities in San Francisco. And one of the means
11 that we identified for doing that was increasing the number of
12 registrants there were in various neighborhoods and communities.

13 Now, I represent a neighborhood in the Inner Richmond,
14 and the other side of the Panhandle, that has quite a few tenants,
15 quite a few elderly people, who have just let their voter
16 registration lapse, or moved into the City or changed address,
17 and therefore they didn't vote.

18 I also have associated with the Association for San
19 Francisco Neighborhoods, which represents primarily White
20 neighborhoods, Nob Hill, Russian Hill, the Inner Sunset, Eureka
21 Valley, who were also concerned that their voter registration
22 was down, and I think Mr. Mason has pointed out even in those
23 areas voter registration has dropped because of the disaffection
24 with Watergate.

25 And on that basis, the Coalition came to the Board of

1 Supervisors with the proposal for increasing voter registration
2 throughout the City. And it was a nonpartisan campaign. The
3 people that came into the Coalition did so because of that
4 primary purpose.

5 Now, that's not to say that there were no individuals
6 who worked with the Coalition, either at that time or later, when
7 we started our voter registration drive, that were interested in
8 electing the certain candidates. And, in fact, when that became
9 known, that there were certain individuals who were electing
10 candidates, who wanted to participate, we made an effort to
11 get the support and involvement of other candidates in the
12 drive to register new voters, either by directly joining the
13 Coalition or by supporting the move for the City as to finance
14 a voter registration drive, or by contributing money to the
15 Coalition. And I think it's significant to point out that
16 Supervisor Kopp, Supervisor Gonzales, Supervisor Molinari,
17 Supervisor Pelosi, all contributed to the Coalition's drive,
18 because, I think, they thought it was a good idea to register
19 voters in San Francisco. I am sorry Supervisor Nelder is not
20 here, because he had questions. That is, the Chairperson of
21 Supervisor Feinstein's campaign, stating he knew nothing
22 about the fact that the Coalition was going on.

23 I would like the statement on the record that I,
24 personally, wrote Supervisor Feinstein a letter and talked with
25 her about joining in the Coalition's drive. And in fact, her

1 aides attended the first meetings. I also had two discussions
2 with Mary Padjen, Supervisor Nelder's aide, about financing
3 the voter registration drive in the City. And Supervisor
4 Nelder may have not talked with his aide about that, but it
5 was intended to be a bipartisan campaign.

6 As Supervisor Barbagelata knows, I supported
7 Supervisor Feinstein in the primary, and I supported Senator
8 Moscone in the general election.

9 CHAIRMAN BARBAGELATA: I didn't know that.

10 THE WITNESS: Well, that's for the record, too.
11 Certainly, as the campaign got heated after the voter
12 registration drives were concluded, people started to put
13 tags onto people who supported voter registration earlier.

14 I'd like it known that there were neighborhood
15 groups and community groups involved, whose primary purpose
16 was to get people registered in San Francisco. (Unintelligible)
17 knew that on off-year elections, people don't bother to register,
18 because they are not particularly interested in off-year elections.
19 And the Presidential campaign hasn't been generated, and there-
20 fore, we wanted to make sure that we had elected officials in
21 this City, that the people had a choice, and a chance to vote
22 for a new Mayor; and that was the primary motivation behind the
23 drive, as it developed in the Spring and Summer of 1975, and
24 the reason why we came to the Board of Supervisors first, to
25 have the Board of Supervisors enact a campaign, rather than

1 letter it go on volunteer effort.

2 I would like to state that I was a volunteer Registrar.
3 I think I signed three books. It's not an easy process to
4 register voters. You do make mistakes.

5 I should also like it noted that I did not accept
6 any money for the San Francisco voter registration, for those
7 registrations, as did a number of other people. Some people
8 accepted the money and donated it to the neighborhood
9 organizations. Some people accepted the money for their own
10 use, and some people didn't accept it at all.

11 The only last thing I would like to state is just,
12 from Mr. Todd's figures, that I think that the Coalition is
13 vindicated in terms of any suspicion of voter fraud or
14 irregularities. Just from the figures, for example, there are
15 47 books missing out of a total of 2407 issued, which is less
16 than one percent. In Mr. Todd's review of the figures, there
17 were 578 Affidavits, approximately, rejected by the San Francisco
18 Registrar, of a total of 45,000 registrations that were signed
19 up, which was also approximately one percent, and may go up to
20 two percent, if they find any more.

21 We have very little evidence that people used their
22 yellow stubs illegally. We have very little evidence that the
23 return of the pamphlets -- and apparently, it's the work of a
24 few people who should be prosecuted by the District Attorney
25 for making illegal and fraudulent voter registration.

1 But, there's really not that great evidence of a
2 widespread registration scandal in San Francisco.

3 Other people may interpret these figures differently,
4 and you may want to make a different conclusion, but I think
5 both the electoral process in San Francisco has been vindicated,
6 as well as the Coalition for 100,000 Voters. When you are
7 talking about one percent, two percent error, that's not a
8 whole lot of error. Where it's fraudulent, it should be
9 prosecuted, but I personally don't think that the great other
10 vote -- (unintelligible) -- are fraud scandal that supposedly
11 exists really does exist with these kinds of figures.

12 Now, again, you may want to interpret it differently,
13 but that's your privilege. But, we are not talking about
14 hundreds and thousands of people casting illegal votes in this
15 City. It didn't happen, and so I am sorry I made a speech
16 there. I just wanted to clarify that point as Chairperson
17 of the Finance Committee.

18 SUPERVISOR FRANCOIS: Well, are you saying, you know,
19 we don't know how this election compares with previous ones,
20 because there never was this kind of investigation made? But,
21 in light of the number of indictments returned and the number
22 of cases pending, as announced by the District Attorney, I think
23 this is, it's an understatement to say that this, the amount of
24 fraud committed, was minimal.

25 As far as I am concerned, as a San Franciscan, I think

1 that the amount of fraud that's already been discovered is
2 significant, and that we should make every effort in the
3 future to guard against it.

4 THE WITNESS: I agree with you entirely, sir.

5 SUPERVISOR FRANCOIS: Now, as far as the participation
6 of neighborhood organizations you mentioned, I am perfectly
7 willing to accept your word that the purpose was to encourage
8 more people in the neighborhoods to participate. And I would
9 like to say, parenthetically, that I am very proud of the fact
10 that we do have citizens participating, the amount of citizens
11 participating in Government that we do. And I boast about it
12 everyplace that I travel.

13 But, one thing about coalitions: I found, and I
14 found it in the Civil Rights movement, is that, invariably,
15 there are people that would seek their agendas, that don't
16 coincide with perhaps the good motives of others. And, as a
17 matter of fact, there was a time when we were under instruction
18 from the National Office of NAACP, not to get involved in
19 coalitions, but to work as single organizations, because we
20 had been burned so many times. People on the left, where we
21 thought we were attempting to accomplish one thing, and there
22 was an agenda that we didn't know about.

23 Now, obviously, when you have a campaign where all
24 of the money to pay for the registrations are coming from a
25 partisan source, you don't have an objective effort.

1 THE WITNESS: Supervisor --

2 SUPERVISOR FRANCOIS: And that is what has been
3 disclosed here.

4 Now, the League of Women Voters testified earlier
5 they got out as soon as they found out that there was too much
6 involved of efforts on behalf of individual candidates, on behalf
7 of partisan politics; and they weren't going to be used that way,
8 because they are a nonpartisan organization.

9 And so that I certainly would not want the impression
10 given that I would disparage all the groups that belong to the
11 Coalition. But I will say this: There are some groups in that
12 Coalition who are not in there because they wanted to register
13 elderly people, and because they were interested in building
14 up the neighborhood, but they had a particular agenda, which
15 was a selfish agenda.

16 THE WITNESS: Supervisor, that agenda was not secret.
17 Everybody who came to the agenda was identified if they were
18 identified with the campaign. So, I don't think I was taken,
19 nor was anybody else taken by the fact that there were different
20 campaigns represented.

21 I agree with you, the fact that the San Francisco
22 Voter Registration Committee, which did receive partisan money,
23 did influence maybe more people in that area to register, in
24 areas that were supposedly going to vote Democratic in the
25 next election, and that was exactly the point that I made to the

1 Board of Supervisors as to why you should have supported a
2 publicly-financed voter registration campaign.

3 SUPERVISOR FRANCOIS: And I speak as one who voted
4 for the allocation for the money. So --

5 THE WITNESS: I think we are in agreement on that.
6 The choice that people were faced with when the Supervisors
7 did not grant the money was such that we had no choice except
8 to go out and register on our own, and some of us did not
9 accept money. I don't think that invalidates the entire
10 voter registration drive.

11 Thank you, sir.

12 CHAIRMAN BARBAGELATA: Thank you.

13 The meeting is adjourned.

14 (Whereupon, the meeting was adjourned, to be
15 reconvened at some unspecified future date.)
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